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Publications
OF THE
University of Pennsylvania

SERIES IN
HISTORY

NO. 1

**THE REVOLUTIONARY MOVEMENT
IN PENNSYLVANIA**

1760-1776

BY

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Published for the University

PHILADELPHIA

1901

GINN & Co., Selling Agents, Tremont Place, Boston, Mass.

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PREFACE.

This study is the result of work done while the author was senior fellow in American history at the University of Pennsylvania. The opinions formed at that time have been changed in some instances by the use of material found in the Library of Congress, and it is hoped that the conclusions reached may be of interest to students of the American revolution.

No attempt has been made to write a history of Pennsylvania. Only such facts and tendencies in her provincial life have been pictured as serve to make clear the foundation and growth of the revolutionary movement within that State. Much less has there been any desire to enter the broader field of the conflict between Great Britain and her colonies in America. The movement within the State and the movement within the nation were closely connected, but an effort has been made to introduce no phase of the broader struggle except such as excited particular interest in Pennsylvania. For this reason the press and pamphlet utterances of revolutionary leaders have been cited only when they found expression in Pennsylvania newspapers or were freely circulated within that colony.

Pennsylvania was a miniature picture of the British Empire. The same differences of race, religion and economic interest which divided the empire into two nations, were prominent in the Quaker colony. This study is an effort to set forth the extent of those differences, to trace the development of a revolutionary party within the colony, and to picture the circumstances attendant upon the final conflict between the radical and conservative forces in 1776. In this way only can the attitude of Pennsylvania during the international struggle be understood. The leaders of the revolution in the Quaker colony were more eager to obtain independence within their

own State than to throw off the British connection. The national movement furnished the opportunity for which the dissatisfied people throughout the province had been waiting, and the result was a double change of government. Errors, both of fact and of judgment, have undoubtedly crept into this study, and for these the indulgence of the reader is asked. The purpose of the work has been to show the interdependence of the colonial and national revolutions, and if this has been done the author is content.

A short list of references will be found in a note at the beginning of each chapter, and a somewhat more comprehensive list of the authorities upon which reliance has been placed is given in an appendix. The author wishes to thank Professors John Bach McMaster and Herman V. Ames, of the University of Pennsylvania, and Mr. John W. Jordan, of the Historical Society of Pennsylvania. Each of these gentlemen has saved him from many errors, and has been an inspiration and a help to him in his work. Finally, acknowledgment is gratefully made to Provost Charles C. Harrison, of the University of Pennsylvania, who alone made this study possible.

C. H. LINCOLN.

*Library of Congress, Washington, D. C.,
May 1, 1901.*

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CHAPTER I.

THE FOUNDATION OF THE REVOLUTIONARY MOVEMENT.

AUTHORITIES.

The history of the Friends in Pennsylvania has been considered so frequently as synonymous with the history of the province that nearly all the authorities given in the appendix will be found helpful in connection with this chapter. Especial attention may be called to the Penn manuscripts in the library of the Historical Society of Pennsylvania and in Washington, the Memoirs of that Historical Society, the Philadelphia colonial press and the Shippen Papers [Thomas Balch, Philadelphia, 1855].

The best secondary accounts of the Quaker government are in Shepherd: History of Proprietary Government in Pennsylvania [Columbia University Studies, Vol. 6, 1896]. Sharpless: A Quaker Experiment in Government [Philadelphia, 1897]. Gordon: History of Pennsylvania [Philadelphia, 1829], and in those portions of Greene: The Provincial Governor [Harvard Historical Studies, Vol. 7, 1898], which deal with Pennsylvania. It is impossible to really understand Pennsylvania history, however, without reading the controversial literature of the period, especially the press and pamphlet arguments, and this remark holds true for the subjects discussed in succeeding chapters. The chief newspapers are mentioned in the appendix and a good list of the provincial pamphlets is given in Hildeburn: Issues of the Pennsylvania Press.

It is beginning to be recognized, even by those who have not specialized in colonial history, that taxation without representation was not the cause of the American revolution. It was only an effective cry by which the forces hostile to Great Britain might be united. Much nearer the truth is the statement that a separate people came to America in the seventeenth century and that early divisions were intensified by the successive waves of immigration which characterized the colonial period and were fostered by the utterly dissimilar environments of England and America. Every advance in the development of law and theology in the new world was a step toward independence, and every necessity for co-operation and mutual effort was an advance toward democracy and union.

In America the backbone of the theory on which resistance was justified was abstract right. American statesmen considered the colonies as communities politically distinct from Great Britain, and although their inhabitants were Englishmen, although they were closely united to England by relationship and by commercial ties, yet they were not a part of England and the House of Commons was in no sense their representative body. The Crown, in union with the colonial Assemblies, was the only recognized ruler in American affairs. The founders of the American States had possessed all the rights of Englishmen and they brought those rights to the new world. The fact that the people remaining behind had not insisted upon their privileges until after the American migration was unimportant because they had existed before. The very reason why the Puritans came to New England or the Quakers and Presbyterians to Pennsylvania was that their interpretation of the Constitution was not recognized in Great Britain nor their religious organization sanctioned. In America they at once gave formal expression to their religious and political creed. Contract and God-given rights were the foundation upon which their whole religious experience was built. Their only hope of God's favor was the acceptance of an eternal covenant with Him and their political ideas, drawn from writers like Buchanan and Lanquet, Sidney, Harrington and Milton, emphasized the same principles. When, therefore, Locke published his essays on the principles of government he was accorded a very different reception in England and in America. Englishmen saw in the work an excuse for the revolution of 1688, and the Tories saw nothing more. The Whigs found there an assertion of principles which might in time be made realities and for whose advancement they should work. Thus far popular liberty had grown with the increase of popular power and the Whigs labored to complete that process. Their ideal

was not, however, the breaking down of class lines but the recognition of more classes, an ideal widely different in theory, and productive of remarkable differences in practice from the one put forward by Harrington, Penn or Locke himself.

In America conditions were different. In many colonies the original emigrants were all of one class and succeeding additions had been by individual, rather than by anything approaching tribal migration. In such cases the individual was absorbed into the body of the community and all stood on a plane of equality. In other States, like Pennsylvania and Maryland, where successive groups of people had been introduced, a liberal policy had admitted the new comers into the joint stock company already formed. Where political power was retained by the first settlers, it was by disproportionate representation and not by political disfranchisement. In no colony was an aristocracy of birth formally recognized, a spiritual aristocracy selected by God dwarfing all other distinctions. In America, therefore, the work of Locke was considered as no mere excuse for the revolution of 1688, no mere announcement of what should be sought in the future, but the statement of an historic fact. Following the lead of earlier writers, he had given an elaborate explanation of the original English Constitution for which they and their fathers had fought during years of persecution. This was the Constitution which they would not abandon, which could not be taken from them without their own consent, and which they had brought with them to the new world.

To their minds the Tudor and Stuart absolutisms might have deprived their brethren who had remained in England of the benefits of this Constitution for a time, but the principles upon which the colonial governments were founded had been finally recognized in England. The English people had repented and had come back to the true view and by so doing had justified the colonial attitude. England and the American colonies,

united by a king and council which each accepted for itself, could move along together. Each people by an original contract had formed a new society in a wilderness, the one in the fifth the others in the seventeenth century. "No circumstance," said Jefferson, "has occurred to distinguish materially the British from the Saxon emigration."¹ Each colony had made a compact with a king or a proprietor who represented him, in which were stated the conditions according to which society should be regulated. The English and Irish might not have those conditions stated in any one document, and the Americans might have charters, but that fact constituted no essential difference. Each nation was morally justified in maintaining its rights.

In Pennsylvania these compacts were openly called agreements between proprietor and people, and government in the form of a joint stock company was thus openly recognized. As Logan wrote as early as 1704: "This people think privileges their due and all that can be grasped, to be their native right"² "Government in general," remarked Lord Sommers, "as ordained and instituted by God, is circumscribed and limited by him, to be exercised according to the laws of nature, in subserviency to his own glory and the benefit of mankind. All rulers are confined by the almighty and supreme Sovereign, to exert their governing power for the promoting his service and honour, and to exercise their authority for the safety, welfare and prosperity of those over whom they are established. Though there were no previous compacts and agreements between Princes and people as to these, yet Princes would be obliged to observe them, for-as-much as they are settled and determined by the law and appointment of the divine legislator." . . . "God having in the institution of magis-

¹ A Summary View of the Rights of British America. Philadelphia and Williamsburg, 1774.

² Penn Logan Corres. I, 299.

tracy confined such as shall be chosen rulers, within no other limits in reference to our civil concerns, save that they are to govern for the good of those over whom they come to be established; it remains free and entire for the people at their first erection of, and submission to government, to prescribe and define what shall be the measures and boundaries of the public good, and unto what rules and standard the magistrate shall be restrained." . . . What power "he cannot derive from some concession of the society must be acknowledged to remain vested in the people." . . . "No civil government is lawful, but what is founded upon compact and agreement between those chosen to govern and those who condescend to be governed." "Force or conquest give no just nor legal title over a people . . . until they, by some consent, either tacit or explicit, declare their acquiescence" (p. 36). "In all disputes between power and liberty, power must always be proved, but liberty proves itself; the one being formed on positive law, the other upon the law of nature." The author then quotes Bracton (p. 57): "The king doth no wrong inasmuch as he doth nothing but by law." . . . "He hath originally subjected himself to law by his coronation oath" (p. 63). "Magna Charta being only an abridgment of our ancient laws and customs, the King that swears to it, swears to them all, and is not admitted to be the interpreter of it." The people have authority to set aside their governors, "for, as the whole body natural may cure its head when out of order, so may the body politic cure or purge their heads, when they are pernicious or destructive to the body politic." . . . And as "the body natural, if it had ability to cut off its aching or sickly head, and take another, I doubt not but what it would do it; and all men would confess it had authority sufficient, . . . so may the body politic choose another head and govern in the room of its destructive one" (p. 98). "The doctrine of absolute *passive obedience* is a treasonable,

slavish and pernicious doctrine, by disarming the people of all their civil rights and taking away self-defence, which is the law of God and nature.”¹

This feeling of independence was particularly strong in Pennsylvania. Constantly in the discussions between the Whigs and the Loyalists it was asserted that the founders of the colony had created a new society in America as Montesquieu considered the Saxons to have founded the English state, and that all rights possessed by any man at any time, remained to him unless they had been expressly surrendered. This feeling was strengthened by the early history of the colony. Either by seizure or by purchase the colonial immigrants had acquired the rights to the soil formerly possessed by the Indians and were therefore independent. It was idle to speak of Pennsylvania as an extension of English soil when neither the English religion nor the English government was extended to the colony or considered as essential to its well-being. In the preface to the charter of 1682 Penn had distinctly declared that he had no intention of establishing any particular form of government in the province except such as the well-being of its inhabitants demanded. His sentiments were strikingly like those of Burke nearly a century later, and as the Irishman was defending the resistance of the American colonies, so the Quaker was laying the foundation on which that resistance was based.

Penn favored no one form of government. “I do not find a model in the world that time, place and some singular emergencies have not necessarily altered; nor is it easy to frame a civil government that shall serve all places alike. I know what is said by the several admirers of monarchy, aristocracy and democracy, which are the rule of one, a few and of many, and are the three common ideas of government,

¹ *The Judgment of Whole Kingdoms and Nations.* By John Sommers. Philadelphia, 1773. Several other editions were printed in America.

when men discourse on the subject. But I choose to solve the controversy with this small distinction, and it belongs to all three : *Any government is free to the people under it (whatever be the frame) where the laws rule and the people are a party to those laws*, and more than this is tyranny, oligarchy and confusion. . . . I know some say, let us have good laws and no matter for the men who execute them : but let them consider that though good laws do well, good men do better."

In questions of religion the departure from English precedent was no less marked. The religious toleration of Pennsylvania led inevitably toward a respect for the opinions of others, and democracy has no firmer foundation than this. Every argument advanced against the established church of England and its policy was an aid to the democratic movement within the colony, and at no time were those arguments more numerous than during the decade immediately preceding the revolution.

Racial differences also, favored the growth of a democratic theory of government. If the support of all creeds was necessary to prevent Episcopal domination, so the support of all races was needed to successfully oppose English political control, and in no colony were so many nationalities represented as in Pennsylvania. In 1755 Provost Smith of the University declared in a letter to Rev. Thomas Barton : "We are a people thrown together from various quarters of the world, differing in all things—Language, Manners and Sentiments." There were in the colony immigrants from the whole northern coast of Europe as well as representatives from the British Islands and southern Germany. The English were the original holders of power, but only during a few years did they form a majority of the people. By ingenious political management the English counties retained control of the Assembly until the revolution, but it was only because of gross inequality of representation. With the intense preaching of

majority rule and the emphasis placed upon the individual at that time, this inequality was realized throughout the whole province. At once the arguments which had been used against English misrule were turned against minority control and misgovernment within the province, and a colonial revolution accompanied and supported the international movement.

It was this uprising of the discontented elements in Pennsylvania which threw the colonial aristocracy into alliance with England and, in conjunction with his religious faith, changed the Quaker from a patriot to a loyalist. Not until the eastern leaders realized that American independence meant the recognition of new forces within the colony, did the counties of Philadelphia, Chester and Bucks refuse to support the revolutionary movement. Until 1775 all races in Pennsylvania had cultivated that spirit of self-reliance which is the foundation of our national life, and none more diligently than the Society of Friends. Even when national independence meant Quaker subordination, there were many among that denomination who sunk their individual interest in the general good. This is not the view usually accepted. It is generally assumed that the part played by the Friends was wholly in favor of maintaining the old order. The reluctance of that sect to enter an armed conflict with Great Britain is well known and it seems a direct contradiction to assert that the movement for independence in the colony was largely due to Quaker influence. Yet if the reasons which have been assigned for the development of a spirit of self-reliance in America are the true ones, we should expect the founders of Pennsylvania to have been urgent advocates of separation from England. Such, indeed, was the case and it is only by confusing American independence with the Revolutionary War that the part taken by the Friends is misjudged. No people were more heartily opposed to outside control of any kind than were the rulers of Pennsylvania. No denomination

furnished abler arguments to maintain the truth of the American contention than those which Dickinson advanced in behalf of his colony. If, as was contended, the formal declaration of 1776 was the announcement of a fact and not the assertion of an intention, it will be difficult to find a colony which had more stoutly maintained that fact than had the Quaker State of Pennsylvania.

In no less degree than the Puritans, the Friends came to America to found a permanent settlement, governed according to their own ideals, and in which neither proprietary nor parliamentary interference was to be tolerated. It was to retain colonial independence that the Quaker influence fought the Penn government so bitterly during the long period preceding the Stamp Act, and in the same spirit English interference was resented. Love of power led the original settlers to be jealous of the newcomers, who were gradually obtaining control throughout the western counties of the State, and the same motive explains in part the Quaker attitude during the revolution, but the political experience furnished by the uninterrupted proprietary struggles of seventy years, and the theory of political independence upon which the Friends had insisted, were no small factors in equipping the whole colony for the dispute with England. The claims urged against the governor varied but slightly from those advanced against England or from the grievances which the revolutionists within the State declared that they had suffered from their eastern rulers. We cannot, therefore, understand the conflict between democracy and aristocracy in 1776 if we fail to consider the conflict between Quaker and proprietor during the preceding years.

The Penn family was interested in the colony of Pennsylvania in two ways. First of all there was the desire of the elder Penn to found a State which should have justice as its governing motive, and improvement in the religious and eco-

conomic welfare of its inhabitants as its result. Second in importance to this in the mind of the founder, but of primary interest to his successors, was the acquirement of the greatest possible revenue from the proprietary lands. The people of the province, as eager as Penn for their own prosperity, were thoroughly hostile to the desire for revenue shown by the later proprietors. They considered it essential that the policy of the colony should be directed by men conversant with colonial needs, and willing to attend to them. From the beginning the original settlers wished the colony controlled for themselves, and at once made a determined effort to have power secured them by the Constitution. In this they were largely successful, and a frame of government was obtained which practically left it to themselves to determine whether or not control of the legislature should ever pass, by legal means, to the later comers.

The next step was to attain mastery over the proprietor and the governor who represented him. The chief matters in dispute between the opposing interests centred around the questions of paper money and the taxation of proprietary lands. Each dispute involved the whole question of sovereignty, for if there was property in the State which the Assembly could not tax, or if that body could not determine the financial policy of the government, its authority was clearly inferior to that of the governor. Yet further, if the executive was subject to instructions from England, and was therefore compelled to act in the interests of absentee landlords rather than for the welfare of the colony, local self-government was impossible. On these questions the first struggle for independence was to be fought. An abandonment of the right to govern themselves was not only contrary to the legal and religious conceptions of the Friends, both of which laid great emphasis on individual initiative and communal independence, but it was also a departure from the teachings which Penn

had given the colonists for their guidance. In the preface to the charter of 1682, he had urged the importance of the individual in determining the success of a State, and in 1687 he had published for circulation in Philadelphia a book containing "Magna Carta," the "Confirmation of the Charters" of 1297 and the "De Tallagio non Concedendo," which more narrowly limited the king than did the others. These laws were given them, he said, that "every man that is a subject to the crown of England may understand what is his right and how to preserve it from unjust and unreasonable men. . . . I have ventured to make it public hoping it may be of use and service to many freemen, planters and inhabitants of this country, to whom it is sent and recommended, wishing it may raise up noble resolutions in all the freeholders in these new colonies not to give away anything of Liberty and Property that at present they (or of right as loyal subjects ought to) enjoy, but take up the good example of our Ancestors, and understand that it is easy to part with or give away great privileges but hard to gain them if once lost."

From the outset the Assembly, acting in the name of the whole people, followed Penn's advice and, supported by the self-reliant spirit of its constituency, obtained under Lloyd practically all the rights and privileges of an independent government. At least as early as 1701, when conditions in England were very unstable, the question arose as to the source of authority in the colony. In "An Essay upon the Government of the English Plantations" [London, 1701], "An American" stated that "no one can tell what is law and what is not in the plantations. Some hold that the law of England is chiefly to be respected, and, where that is deficient, the laws of the several colonies are to take place; others are of opinion that the laws of the colonies are to take the first place and that the law of England is of force only where they are silent; others there are who contend for the laws of the

colonies, in conjunction with those that were in force in England at the first settlement of the colony, and lay down that as the measure of our obedience, alleging that we are not bound to observe any late acts of parliament in England except such only where the reason of the law is the same here that it is in England." Taking advantage of this uncertainty, the Assembly increased its opposition to proprietary influence and Penn, who did not know whether or not the reigning house in England was soon to be displaced, felt himself obliged to remain on good terms with the colonists and assented to most of their claims.

By the middle of the eighteenth century the colonists, in referring to the disputes of 1701-12, urged that Penn had never intended to continue indefinitely his control of the province. In the charters and constitutions he had retained no great share in determining the colonial policy, and in 1712 he had tried to relieve himself of all the trouble connected with its supervision. His object, so it was claimed, had been secured by that time. The colony had become self-sustaining and competent to control its own concerns so that, saving the rents from his own land, the great proprietor would have been willing to withdraw. (This was Franklin's argument in 1764.) All friends of the province had been of the same opinion and it was merely because the Crown would not adequately compensate him for his trouble and expense, or indeed because the Crown was not sufficiently vigorous to take any action, that Penn had not retired early in the century.¹

Later proprietary policy had strengthened the impression that monetary return was the main wish of the Penn family. When the younger members of that family came into control they had shown themselves willing to sell their rights in the colony and it was only because the people were represented

¹ The opinions of Penn at that time are in the second volume of the Penn-Logan Correspondence and in Pennsylvania Archives, 2d. Ser., Vol. 7.

as opposed to Crown government that the negotiations had been abandoned. Whatever might have been the opinions of the proprietors, the dominant party in the Assembly had no intention of submitting to any outside authority. Lloyd's victory over Logan had but illustrated the fact that practical independence, under whatever name, was the Quaker ideal. The question of proprietor versus king was unimportant, the real question was colony versus either.

As first comers and the framers of the original compact of government the Friends felt a sense of ownership in the colony, and had no disposition to admit others into that possession. Recognizing that the Constitution of 1701 had been practically forced upon Penn by themselves, the Quakers considered that they had the right not only to exclude the later immigrants from power, but also to decrease as much as possible the influence of the governor himself. In other colonies there were disputes between governor and Assembly, but the position of landlord held by the proprietor of Pennsylvania made the disputes in that colony exceptionally bitter.¹ If the Assembly could make the governor responsible to the legislature, the proprietors had no means of safeguarding their interests in the colony. On the other hand, if the proprietors in England, by giving instructions to the governor, could prevent the passage of all acts which subjected their lands to the common burden of taxation, then the province was not only paying the governor one salary, but it was paying the proprietor another by freely protecting property whose revenue went abroad. The dissatisfaction over this seeming injustice was increased by the harshness with which the English owners demanded the payment of their rentals, often at a time when the cultivator was hard pressed to earn a live-

¹ On this subject Lewis Morris, president of the New Jersey council wrote : "The rendring governors and all other officers intirely dependent on the people is the general inclination and endeavor of all the plantations in America."

lihood for himself and family. Thus, in 1755 the proprietor wrote to his collector: "Braddock's defeat and the consequent uneasiness must not put a stop to your demanding our arrears in the town and by degrees in the country. I desire you will say nothing about it in conversation, as it only raises discontents. We are only taking the same methods any common landlord does, and shall continue to do it until every man pays regularly once a year"¹ It was no doubt true that such were the methods of common landlords, but the proprietors of Pennsylvania were not common landlords. They were the heads of the provincial government, and their action as collectors of rentals reacted upon their popularity as governors. Their rule became hateful, and all proposals to limit their power were readily accepted by the people.²

After opposing claims to exemption from taxation, the Assembly soon advanced to the stage of refusing to the proprietor the right of instructing the governor on any point. Not only was the legislature to tax as it saw fit, but to pass

¹ Penn Letter Book, Vol. 4, Thomas Penn to Hockley, September 29.

² This harsh policy was not pursued at all times [see Penn Letter Book, Vol. 6; Penn to Peters, August 10, 1759], but the effect of extreme measures remained. Many believed that the only interest of the proprietors in the province was to secure a large return from their investment. In 1764 the Assembly, in their address to the governor [Pa. Gaz., 1764, March 29] voted that it was the proprietary which kept Pennsylvania out of favor with the king, that it was because the proprietors had taken the best land in the back counties and held it at exorbitant prices that the population was no more numerous there, and that it kept immigrants out of the State, when they saw that the fine land of the proprietors paid no more tax than the poorest private land [see Dickinson: Works I, 252]. It is a good illustration of the length to which the Quaker leaders were willing to go in their contest with the Penn family that the lack of immigration to the Susquehanna Valley was considered as a grievance. The character of that immigration was anything but favorable to conservative government, but in the purchase of these lands by Quaker companies and their subsequent sale to German and Irish newcomers at a profit, may perhaps be found one reason for the position of the Eastern merchants. If the proprietary influence could be removed, Wharton's Vandavia Company and other projects of the shrewd financiers of the East would have a much greater assurance of success.

any law it chose, and by withholding supplies, the Assembly endeavored to force acquiescence on the part of the governor. One of the earliest examples of the use of this financial power was in 1709, when redress of grievances was declared by the Assembly a "condition precedent" to the support of the government.¹ Under Keith and Thomas there were other instances² but the most pronounced victory of the Assembly over the proprietors came in 1759 while the colony, under the pressure of the French war, was in urgent need of money. In 1758 Lieutenant-Governor Denny had become involved in a serious dispute with the legislature over the taxation of proprietary lands and had recommended that a joint committee, appointed half by himself and half by the Assembly, be entrusted with this power of taxation. In reply the Assembly asserted (April 8) that itself alone had the right to determine the course to be followed.³ "The mode proposed by your honour of taxing the proprietary estate is without precedent in our mother country, anti-constitutional and inconsistent with the rights of the people; and his majesty, and the peers of the realm of Great Britain do not insist upon a right of appointing commissioners with the other branch of the legislature for taxing their estates. . . . The right of granting supplies to the crown is in the representatives alone, the bill is not repugnant to the laws of our mother country but as nearly agreeable thereto as our different circumstances will admit," a phrase which was used to justify much desired legislation of the colonial period.⁴ The question remained nominally undecided, but real victory was with the Assembly. In the following year the question of the issuance of paper money arose and the governor feared a renewal of the previous dispute.

¹ See the account of the conflict in Proud, pp. 32-37.

² Col. Rec. 3, 174 and 4, 688.

³ Votes of Assembly, 4, 804-14; New American Magazine, May, 1758.

⁴ Votes of Assembly, 4, 816.

In violation of his instructions from the proprietors, Denny signed the act providing for such issues and was rewarded by a prompt order on the treasurer of the colony for one thousand pounds. Improper motives were at once charged by the councilors, but this did not prevent Denny from assenting to the passage in 1760 of several other acts against which the proprietary had protested and for each of which it was stated that the governor received money rewards and a promise of more in case his assent should result in personal loss.¹

These examples sufficiently indicate the determination of the Friends to secure the practical independence of their colony. East and West recognized that as their aim, and it was known beyond the borders of the province.² It was because such independence as this meant a control of the western counties by the more conservative East, that the non-Quaker elements throughout the State supported the proprietary in its conflict with the Assembly. With the overthrow of the Penn government the more recent immigrants associated a condition of greater dependence upon the Eastern aristocracy, "that wealthy and powerful body of people who have ever since the war governed our elections and filled almost every seat in our Assembly."³ So soon as this objection to independence could be removed, the West would be heartily willing to enforce throughout the colony the Quaker theory of individual initiative and government by the people.

¹ See Col. Rec. 8, 357-62; Chalmers, *An Introduction to the History of the Revolt of the American Colonies*, 2, 344.

² Maryland Archives, 9, 351.

³ Franklin, *Plain Truth*, 1747.

CHAPTER II.

THE INFLUENCE OF THE GERMAN AND IRISH IMMIGRATION.

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The Pennsylvania Archives, three series. Philadelphia, 1852 to date.
Some other useful secondary authorities are:
Shepherd: *History of Proprietary Government in Pennsylvania*; the histories of Gordon and Proud. Hodge: *Constitutional History of the Presbyterian Church in America* [Philadelphia, 1839-40]. Hazelius: *History of the American Lutheran Church, 1685-1842* [Zanesville, 1846]. Craighead: *Scotch and Irish Seeds in American Soil*. Green: *The Scotch-Irish in America* [Worcester, 1895], and the *Proceedings of the Scotch-Irish Congress, 1889 to date*. Much material is available also in the *Pennsylvania Magazine of History and Biography*, especially Vols. IV and X.

By 1760 the Assembly of Pennsylvania had become the supreme power in the colony. Successive victories over the proprietors and their gubernatorial representatives had not only weakened the hold of the Penn family upon the province, but had led the colonists to realize their power. In the Assembly the counties of Chester, Philadelphia and Bucks elected a large majority of the members and their continuance in control of the province seemed assured. Overconfidence in the security of their position led these conservative counties of the East to disregard the interests of the more radical West and this in turn fostered a spirit of enmity among the Irish and Germans and led to results of great importance to local and national history.

A close examination of the legislation of the province cannot fail to show the injustice with which those alien races were

treated by the Friends and to explain their attitude in the years immediately preceding the revolution. Most numerous among the later immigrants to Pennsylvania were the Germans. During the second quarter of the eighteenth century it had been feared that this race would try to establish a distinct State within the province, and from one point of view the fear was justifiable.¹ During this period the Germans constituted between one-third and one-half of the colonial population. They had neither sympathy nor acquaintance with English social or political ideas, and experience had taught them to look with suspicion upon all governments. By "the government" they had been harshly treated at home; by "the government" they had been deceived while in England (1700-10), and they had found the colonial government of New York little if any better inclined toward them. They had, to be sure, internal jealousies of their own, but as they wandered across the line from New York into Pennsylvania, these jealousies had been subordinated to a general distrust of all outside control. Instead of attempting to allay this distrust the Quaker party determined to use the sentiment for its own advantage. Representing the proprietary as the real government of the province and themselves as an opposition intent on securing popular rights, the Friends laid the foundation of an alliance with the Germans, to which several of their religious ideas contributed and which lasted for many years. The Quaker principles of peace and of religious toleration attracted a large number of the German immigrants and a common opposition to the Penn family in their capacity of landlords gave a further bond of sympathy between them. The real desire of the Germans, however, was to be let alone, and to secure this favor they were willing to acquiesce in the Quaker demand for unchallenged power, but they were never active allies. By their indifference to political power the newcomers

¹ Watson, *Annals of Philadelphia*, 1, 472-4.

gave a seeming assent to the old régime, but a permanent union of interests between the Germans and the Quaker party never existed.¹

In the older counties of the East it was well enough to represent the proprietors as the grinding landlords and the Quaker as the protector of the popular interests. In the western portion of the province this representation failed: Here the danger to property and wealth came not from the proprietor whose demands could be evaded, but from the Indians and French, against whose attacks a military defence was needed. For this defence the Assembly would not adequately provide, although both governor and westerner repeatedly urged the duty upon the Quaker leaders. For this neglect the Germans had no difficulty in fixing responsibility, and if their own good sense had not told them, their Scotch-Irish neighbors would readily have supplied the desired information. Trade jealousies also sprang up between the Germans of Lancaster and the Quakers of Philadelphia in their efforts to obtain control of the traffic in furs which formed such a large part of colonial industry. Lancaster, obtaining its supplies from Baltimore and the South, was a dangerous rival to the eastern city for many years, and this rivalry had an important influence on Pennsylvania politics.

Of these jealousies between German and Quaker, the

¹ By the use of the term "Quaker party" the author would by no means assert the identity of the religious body with the conservative easterners who controlled the Assembly after 1756. The dominant faction was bound by no religious lines. It was drawn from Episcopalians and other sects as well as Friends—the term is used as a convenient designation for the group of politicians in Philadelphia, Chester and Bucks counties who formed, in modern language, a ring, and whose object was the control of the colony for their own ends. The influence of the Quakers, however, was more in harmony with this party than with the West. "Down to the very dissolution of the Assembly in 1776," says President Sharpless [The Quakers in the Revolution, p. 94], "their spirit was felt in its conservative course, nor do the Friends seem to have lost their political influence in the state."

Scotch-Irish were ready to make full use. This race not only furnished the major part of the opposition to Quaker dominance for years, but finally carried the State for American independence.

At no time during the eighteenth century was the Pennsylvania German able to conduct an independent political movement. There was a decided advance in his ability during that period, but the capacity for organization which his two rivals seemed to inherit was not his. Thus while the Quaker maintained an able conflict against the Penn family or its gubernatorial representatives and in later years almost defeated the Whig movement, while the Scotch-Irish showed their ability in 1775 and again in the Whiskey Rebellion of 1794, the Germans could do little more than fight ably under the leaders of the other parties. By the outbreak of the revolution they had attained sufficient capacity to control the committees in some of the towns or counties, but even as late as 1799 when they tried an independent movement (Fries rebellion), they knew neither what they wished nor how best to use their power. In all the colonial conflicts, therefore, the Germans appear as the allies—often the invaluable allies—of other races. In the East they supported the Quakers, partly for the reasons given above and also because of a lack of sympathy with the opposing faction. During the early history of Pennsylvania the party which had supported the proprietary against the Friends had been largely composed of Episcopalians, and in almost no particular were they in harmony with the German immigrants. The new opposition, however, was in the western counties, and here the Germans and Irish had common interests. Both desired protection against the Indians. Both realized that in questions of land-holding the proprietary drove no sharper bargains than the colonial land companies and that its demands could be more easily evaded. Both wished increased representation in the Colonial Assembly and were willing to join

forces to obtain it. Both were averse to governmental interference, and when the revolution came both seized the opportunity to throw off the control of the eastern oligarchy. The direction of the movement fell into the hands of the Irish, who were more capable leaders, but an examination of the records of Assembly and Convention shows that no people more eagerly insisted on equal political rights than the German Associators and that no members of the Convention had more radical ideas concerning constitutions than the delegates from some of the German districts.

The Quaker-German alliance in the East was one of the strongest supports of the oligarchy, and at first the eastern Germans had considerable influence with their fellow-countrymen on the frontiers. Not until new issues aroused racial and commercial antipathies was this alliance successfully attacked, and even then it was hardly overthrown. Among the wealthier Germans there was a strong conservative party as late as 1775. In the vote taken by the Assembly in that year to decide whether the colony should subordinate its will to that of the general Congress or should send a special petition to the King, there were but three western votes in favor of the Quaker proposition for separate action, and those were from the German county of Lancaster. The current among the poorer members of the race had set the other way. In common with their Presbyterian neighbors the mass of the Germans had been alienated by the overbearing conduct of the eastern autocracy and were glad to see its influence weakened. As a race, the Germans had no ties of blood to bind them to the English connection, and when the leaders of the revolutionary movement offered them an equal voice with themselves in colonial legislation, equality with natives in the American army, and the same religious toleration previously enjoyed under Quaker supremacy, the influence of their wealthier associates weakened, and the race as a whole pronounced for independence of both King and Assembly.

It has been said that German poverty compelled a dependence upon Quaker bounty and thus formed the basis of the early coalition between the two races, but this seems a mistake. Although many of the German immigrants were poor, this was not the case in the East where the alliance was strongest. Had the race possessed the capacity of organization, there were plenty of men of sufficient property to have made excellent leaders for a distinct party. Among those Germans who came to Pennsylvania for conscience' sake rather than because of poverty, were such sects as the Mennonites, the Dunkers, and many from the Lutheran and Reformed denominations. The Mennonites, who settled largely in Germantown and in Lancaster county had the same scruples as the Friends against bearing arms and taking oaths, and although those scruples were not always observed by either party¹ they furnished a general basis of sympathy

¹ Oath necessary to be taken by all civil officers in Pennsylvania by Act of Assembly of 1705.

"I A. B. do sincerely promise and solemnly declare before God and the world that I will be faithful and bear true allegiance to Queen Anne. And I do solemnly profess and declare that I do from my heart abhor, detest and renounce as impious and heretical that damnable doctrine and position that princes, excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects or any person whatsoever. And I do declare that no foreign prince, person, prelate, state or potentate, hath or ought to have any power, jurisdiction, superiority, pre-eminence or authority ecclesiastical or civil within the realm of England or within the dominions belonging thereto."

"And I —— do solemnly and sincerely, in the presence of God profess, testify and declare that I do believe that in the Sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of Mass, as they are now used in the Church of Rome are superstitious and idolatrous."

"And I do solemnly, in the presence of God, profess, testify and declare that I do make this declaration, and every part thereof in the plain and ordinary sense of the words read unto me as they are commonly understood by English Protestants, without any evasion, equivocation or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the Pope or any

between the two peoples. The wealthier and more capable portion of the race, however, settled near the Quaker centres of population and the Friends took care not to arouse racial antagonisms. In 1775,¹ the proprietors had warned their representatives not to excite the Germans against them in any way and the Quakers seem to have taken this hint to themselves. It was at this time, when the proprietary struggle was about to open in the colony, that the wealthier Germans were admitted into that social aristocracy which Madison later spoke of as controlling Pennsylvania politics. This judicious action on the part of the Quakers kept the leaders among the eastern Germans true to the earlier alliance by giving them further reason for desiring the ascendancy of the oligarchy. Having obtained these leaders, the Friends felt certain of the retention of power in the province. They considered that the western population was unable to organize an independent movement and in this they showed themselves good judges of German character. Lest there might be some danger which they had overlooked, an added precaution was taken by obtaining the support of the leading German newspaper of the colony—Sauer's "*Der Pennsylvanische Deutsche Berichte*."² Thus having established their alliance upon religious, social and political foundations, the Conservative party felt reasonably certain of continued control in the colony.

other person or authority whatsoever, and without thinking I am or may be acquitted before God or man or absolved of this declaration or any part thereof, although the Pope or any other person or persons or power whatsoever should dispense with or annul the same or declare that it was null and void from the beginning."

"And I ——— profess faith in God the Father and in Jesus Christ His Eternal Son, the true God, and in the Holy Spirit one God blessed forevermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration."

¹ February 21, Penn Letter Book, Volume IV.

² Wharton's Manuscript of 1755. "The party on the side of the Friends derived much of their influence over the Germans through the aid of Christopher Sauer." The manuscript is in the Philadelphia Library.

Shrewd as were the Assembly leaders in obtaining the support of the wealthy Germans, and so cementing the alliance which similar principles and common opposition to proprietary control had formed, they omitted two factors from their calculations which have already been mentioned, and which were destined to overthrow their political structure. Their first mistake was in concluding that the wealthy and peace-loving Germans of the East were the only available leaders for their western brethren. The second was in underestimating the capacity of the western Germans to fight when once they had secured adequate leadership. Originally less competent in political matters than were their countrymen around Philadelphia, the Germans of the interior were forced into a severer struggle for existence, and as a consequence developed an energetic disposition and a pronounced feeling of self-reliance and independence. Many of them, it is true, were redemptioners, and others, failing to be naturalized or lacking the small property qualification necessary for voting, had little influence in politics, but the first condition,—at its worst an improvement on their situation in Germany,—lasted but a few years, and the second in no wise impaired their usefulness when extra legal measures were being considered. It rather increased their dissatisfaction with the existing government.¹

¹ There was also a period in the religious history of the Pennsylvania Germans, during which there was a decided gain in their spirit of self-reliance. For some years after their coming to America the German churches received financial support from Europe, but about 1730 this assistance was withdrawn, and the various congregations were forced to rely upon their own resources. For the next twenty years there was a severe struggle for very existence among the country churches. In some of them the forms of religion almost ceased to be observed, and as Muhlenberg said, "God and his Word were openly blasphemed." In others, laymen came forward and acted the part of preachers, pastors carried on service at several places, and the churches lived on, becoming stronger than ever at the end. (The work of John Bechtel is a good illustration of the heroism of some preachers.) Whatever may have been the temporary result upon popular morals, this experience served to strengthen the self-confidence of the German communities, giving them some of the experience which made the New England Congregationalists "Independents," not only in religion, but also in politics.

To these influences the western Germans responded by rejecting the leadership of the eastern portion of their race and casting their lot with the opposition. Toward Great Britain and the old colonial oligarchy they were equally hostile.¹ Even before the radical forces in Philadelphia had acted, the German county of Northampton held a meeting to provide for the common defence of the colonies (December 21, 1774), and of the twenty-four members of the county committee, more than half seem to have been of German descent. Two-thirds of the members of the Standing Committee which later controlled the county were Germans, and the great majority of the county's enrollment was of the same race.² The wealthy men of the East were not able to hold even the Germans of Philadelphia to the Quaker cause. Claims were made that the election of May, 1776, was carried by the Conservatives, through the suppression of the German vote,³ and a little later Marshall declared⁴ that at least one-fifth of the members attending the provincial conference from Philadelphia were Germans, while many others were working hard getting the army into proper condition. Nor was this all. A careful study of the time will show that it was in no half-hearted manner that the Germans took up the cause of colonial and continental liberty. No stronger support was given to radical measures than that furnished by the Germans, and no members of the Convention were more bitterly opposed to halfway measures. It may be safely said that in neglecting to secure the support of this race the Conservatives made a

¹ The policy of the English Crown in hindering the naturalization of Germans in America alienated many from British allegiance. See the letter of the Board of Trade to the King, May 12, 1774, in Force, *Am. Archives*, Series IV, Vol. I, p. 673.

² *German Hist. Soc. Proceedings*, III, 70.

³ *Packet*, May 20, *Marshall's Diary*, May 21.

⁴ *Diary*, June 14, July 6.

mistake from their own viewpoint, but a mistake which was of great assistance in securing American independence.¹

This mistake of the aristocracy gave the democratic party its opportunity. If a contentious history for two centuries had done nothing else for the Scotch-Irish it had given them a great interest in politics, confidence in the principles of democracy, and a fierce determination to maintain their rights. The religious and the political movements in Scotland had been inextricably confused and the same reasons which had caused the foundations of the Presbyterian church government to be laid on the equality of man had compelled the political theories of its organizers to rest on the same principles. It is a matter of little moment to determine whether these principles found their earliest expression in the government of Church or of State, for in Scotland and Pennsylvania the same organization seems from the outset to have been used to promote both political and religious ends. In 1628, when the Puritans came to Boston, they knew how to establish a firm and systematic government which neither foreign effort nor domestic revolt could overthrow. The experiences of the next century in no way decreased the political ability of their fellow Dissenters who remained in Britain. In Pennsylvania local politics became a contest between the Quaker wire-puller on the Delaware and the Presbyterian wire-puller on the Susquehanna, the bone of contention being the German vote. The westerner was aided by his coreligionist in the

¹ There are many testimonies to the part played by the Germans during the war. In March, 1774, Dickinson wrote to Lee [Force, Am. Arch. IV, I, 726]: "The people in general throughout the country look forward to extremes with revolution. Of these the brave Germans, many of whom have seen service, are in every way respectable." In June, 1775, a letter from Philadelphia to London said: "It is amazing to see the spirit of the Germans among us. . . . They speak with infinite pleasure of sacrificing their lives and property for the preservation of liberty which they know full well how to value from its deprivation by despotic princes" [Force, IV, II, 1033]. Graydon's testimony in his *Memoirs* is to the same effect, and the press tells no different story.

city of Philadelphia, and, after a close contest, obtained the victory.

Into the early history of the Scotch-Irish it is unnecessary to go at length. The effect which their religious principles had upon their political ideas has already been mentioned. When they came to America in the early portion of the eighteenth century they brought with them a firm belief that there were certain rights to which all civilized races of mankind were entitled, but which they would probably be prevented from enjoying unless they were prepared to defend them. They brought also a general distrust of the English government, upon whose promises they had learned to place no reliance, together with the feeling that they were destined for a great work in America. For the natives of Ireland at the time of their settlement in Ulster they had little regard, and the methods by which land had been confiscated for their use in that province did not disturb their equanimity in the least. So in Pennsylvania they had none of the feeling prevalent among the Friends that the Indians possessed a title to the soil which could be extinguished only by purchase. On the contrary they felt themselves justified in appropriating whatever lands they wished, asserting that "it was against the laws of God and of nature that so much land should remain idle while so many Christians wanted it to labor on."¹

The original proprietor, true to his belief that under any government men were more important than laws, realized that the Presbyterian and Quaker peoples would not live in harmony, and warned the colony against this class of immigrants, but his successors made such warnings nugatory. The later proprietors showed little reluctance in allowing men of any race and creed to settle in the colony if they paid for the land which they occupied. The Penns not only liked the

¹ This was in 1730 when they seized 15,000 acres in the Conestogoe manor. Watson's Annals, I, 452, 478.

money return thus obtained, but favored the establishment within the province of an opposition to the Quaker ring which, under Lloyd and his successors, had proved itself too sharp for their own representatives. Certainly the newcomers were feared by the Quakers. As a rule they were urged to take lands on the western boundaries of the province, where they would be as far as possible from the earlier settlements and where their energies would be employed in protecting themselves against the Indians.¹ The original settlers also endeavored to protect themselves further by a technical construction of the colonial charter which gave them a double representation in the Assembly and effectually prevented the legal overthrow of their supremacy.

The new immigrants, from the moment of their coming, showed little inclination to submit to Quaker control or indeed to the control of anyone. They came with the determination to establish a settlement of their own and soon made it evident that questions of right or of legal title would not be allowed to hinder them. Taking advantage of the difficulties in the conduct of the colonial land office, the newcomers took land where it was most easily obtained, and it has been estimated that as early as 1726 one hundred thousand persons were settled upon colonial lands to which they had no just title.² Although there is no means of knowing how large a portion of these landholders were Irish, it would be a conservative estimate to place the number at one-half, a proportion which was soon to be rapidly increased by the Irish exodus to America. It is difficult to determine the size of this race movement during the early years of the century, and doubly so to ascertain how large a part of the newcomers settled permanently in Pennsylvania. Some located in New England and New York, others made only a temporary stop in the

¹ Craighead : *Scotch and Irish Seeds in American Soil*, p. 276.

² Shepherd : *Proprietary Government in Pennsylvania*, p. 50.

North, finally taking up lands in Maryland, Virginia and Carolina, and forming the basis of the later democracy in those districts. Immigration of this character seems to have been comparatively small before 1718. In that year a noticeable increase began, and a decade later the movement was at flood tide. In 1727 six ships of Ulster immigrants were said to have made the port of Philadelphia in a single week. Complaints were heard that the merchants of that city who owned the ships sailing from the port would not accommodate those desiring to come, and in consequence this class of business was going to New York. Other writers said that five thousand such immigrants landed in Pennsylvania during 1729, and from that time to the middle of the century it is estimated that the average was not far from twelve thousand a year.¹ The estimation in which the newcomers were held by the Quakers is shown by a letter of Logan's written in 1729: "It looks as if Ireland is to send all its inhabitants hither, for last week not less than six ships arrived, and every day, two or three arrive also. The common fear is, that if they thus continue to come they will make themselves proprietors of the province. It is strange that they thus crowd in where they are not wanted . . . the Indians themselves are alarmed at the swarms of strangers and we are afraid of a breach between them, for the Irish are very rough to them."²

In 1749 it was estimated that the Scotch-Irish population of the colony equaled the Quaker contingent, each forming about one-fourth of the whole, and in 1774 Franklin considered that the proportion had increased to one-third in a total of three hundred and fifty thousand. According to Bancroft³ this element was the spirit of colonial

¹ Froude: *The English in Ireland in the Eighteenth Century*, I, 390; Baird: *Religion in the United States of America*, p. 154; see also the *Proceedings of the Scotch-Irish Society of America for 1889*.

² Watson's *Annals*, II, 260.

³ Bancroft: V, 77.

resistance to England, and Hughes, the government agent in Philadelphia during the period of the Stamp Act excitement, declared that the trouble was caused mainly by the Presbyterians.¹

It was one thing, however, for the Presbyterians to express a dislike for England and a distrust in British promises, and it was quite a different thing to carry the colony with them in their contention. Whether they should succeed or fail in this effort was to be determined by their ability to obtain the support of the Germans and their cleverness in overcoming the conservatism of the East. Intrenched behind a secure majority in the Assembly, the eastern counties had seen their control of the province endangered but once, and that was during the progress of the Seven Years' War. Even then the loss of control was due as much to voluntary action on the part of the Quakers as to any compulsion from without their own ranks. During this period the Friends had been placed in a peculiar position. Their creed forbade fighting and encouraged tolerance even for Romanists, yet their leaders understood that should France be the victor in the contest with England, it would no longer be a question of tolerance for Catholics, but rather a question of their own position under Romanist control. Their sympathies therefore were not prevented by religious belief from being on the side of England, and we can say of them as of the other Protestant sects that they heartily supported the war. Yet even thus their creed prevented them from controlling the colonial movement. The early operations in western Pennsylvania were unsuccessful and the blame was thrown upon the Quaker Assembly. The leaders of the majority were accused of half-heartedness, and comparisons were drawn between them and the New England statesmen, who, it was claimed, were

¹ See also Gordon, *History of Pennsylvania*, p. 571.

acting very differently.¹ The result was that control of the colonial resources came into the hands of the more radical war party, which was largely composed of the Presbyterians and the Episcopalians of the province, whose religion only increased their intense national feelings.

With the defeat of France and the consequent removal of the danger of Romanist domination, the temporary harmony which had existed between all parties disappeared, and the Quakers again assumed control of the Assembly. From this time until the revolution there was continual conflict between the two political forces in the colony, headed respectively by the Quakers and the Irish, in which the questions of trade advantages, taxation, equitable representation and of proprietary control furnished the ostensible grounds of dispute. Meanwhile the two sections, estranged already by differences of race and religion, were becoming separated by diversity of economic interests. When a more important dispute than any thus far considered came forward for decision, the discontents of years culminated in open rebellion. On the question of the colonial attitude toward England the majority of the people found a plausible excuse for obtaining that control in the colony to which they considered themselves morally entitled, and an opportunity to win allies from other colonies in support of their action. Within the province the Germans held the balance of power. At the time of the Indian troubles the Quaker majority had assured the German voters that if the Assembly was sustained they would be compelled neither to fight or pay, while the opposition had offered the Indian lands as a reward for German support. During the proprietary-crown struggle of 1764, yet more vigorous efforts were put forward. Seats in the Assembly were offered them by the

¹ See, for example, the sermon of Rev. Thomas Barton urging Protestants to unite against the French, and more especially the preface to that sermon written by William Smith. Printed by several publishers, Philadelphia, 1755.

proprietary party, and Purviance explained that the design was "by putting in two Germans to draw such a party of them as will turn the scale in our favor." The spoils of office were also used. As Colonel Shippen wrote in 1764: "The Governor could not possibly think of appointing the Son of a Quaker to be Sheriff, who had taken infinite pains in riding about the country to secure the interest of the Germans in favor of the violent measures of the late Assembly against his own family and government."¹

Although the Scotch-Irish were unsuccessful in their early efforts, events were destined to be more favorable to them during the years in which the attitude of the colony against England was being decided. As in 1755, so in 1775 the religion and training of the Quakers unfitted them for leadership in active measures. So long as skill in conducting the affairs of government or in leading a strictly constitutional resistance to authority was the virtue needed, no better leaders could be found. By his arguments Dickinson probably made as many resistant Whigs as did any other writer on the American side. In the cultivation of an American nationality distinct from that of England, no people did more than the Quakers. None sought independence more eagerly, but they would not fight to secure that aim. Having shown the nature of the

¹ Samuel Purviance, Jr., to Colonel Burd at Lancaster, September 10, 1764; Colonel Shippen to Colonel Burd, October 6, 1764; Barclay's Pennsylvania Letters and Papers, pp. 204 and 207. Shippen Papers, September 18, 1765. Edward Burd to his father: "I heartily wish you may be successful in the ensuing election. I believe the Quakers will leave out Hughes and Galloway this time. . . . The Dutch express a great detestation to Hughes' party."

In the same papers, Samuel Purviance, Jr., to Colonel Burd, speaks of the means necessary to unite the Germans, Baptists and Presbyterians against the Quakers. "Could that be done it would infallibly secure our friends a majority in the house."

Israel Pemberton (October 25, 1765) to his son Joseph: "The Chief Justice told me upwards of nine hundred were naturalized by ye Supreme Court yesterday, who are generally thought to be against ye members who voted against ye change of government."

American position and set forth the true arguments on which that position was founded, the Quakers hesitated to follow where those arguments led. They thus allowed the Puritan influence which they dreaded to become the controlling force in their colony. The Episcopalian element could not consistently lead the movement for independence, nor would the Whigs have been willing to accept their leadership had it been offered. In the connection with England most churchmen saw the only hope of the establishment of their religion throughout the colonies, and any revolt involved the breaking of the tie binding them to the head of their church. It may have been that many among them had no desire, in their efforts after an American bishopric, to see their religion become the political force it was in Great Britain, and yet they were unable to guarantee that it should not. Against any such result the Dissenters of all denominations offered as absolute a resistance as had the Puritans under Cromwell. Had all the Pennsylvania churchmen been as patriotic as were some of their number, it would have been vain for them in the face of their previous alliances with proprietor and Assembly to offer their leadership against the mother country. So far as religion led democracy at this time it was the religion of Puritan New England and the Presbyterian South.

The coming of the Scotch-Irish to Pennsylvania overthrew the Quaker supremacy in that colony. Without mentioning their influence in Virginia or in other colonies, it is enough to see how the Presbyterians organized a revolution in Pennsylvania against the oligarchy which had controlled the colony for a generation. In their efforts to secure victory within the province, the radicals created a machine which was used with great effect when the larger question of independence came forward for decision.

CHAPTER III.

THE PENNSYLVANIA ASSEMBLY UNDER THE COLONIAL GOVERNMENT.

AUTHORITIES.

The material for this chapter has been obtained almost exclusively from the Votes of the Assembly, the Pennsylvania newspapers and the pamphlet literature of the period. Especially during the years 1764-65 and 1772-76 has the last source proved a rich one. Aside from such sources as these, there is no adequate treatment of the subject. The best presentation is in Sharpless: *A Quaker Experiment in Government and The Quakers in the Revolution* [Philadelphia, 1897 and 1899].

In a consideration of the causes of the revolution in Pennsylvania, one can but notice the close correspondence between the dissensions which were dividing America from Great Britain and those which were in like manner alienating certain parts of the colony from the original counties along the Delaware. Just as the differences in customs, in race, and in religion made the American colonists distinct from the governing classes in England, even before their immigration to the New World, so the Germans and Irish of Western Pennsylvania were from the date of their settlement distinct from the English Quakers of the East; and as differences in economic interest served to widen the breach between America and England, so the hardships of frontier life and trade connections with Maryland intensified the original hostility between the Delaware and Susquehanna Valleys. In another way also the conditions were similar. As the governing classes in England were alienating the cities of London and Liverpool, and so raising up allies to the American cause, the social and commercial aristocracy of the eastern counties of Pennsylvania

was arousing an enmity among the populace of Philadelphia which was to contribute largely to the movement against the oligarchical government of the Assembly. There can be no doubt that many of the reasons which induced America to throw off the British connection also induced the Susquehanna Valley to throw off the control of the eastern Quakers.

In one respect, however, the parallel between colony and empire fails. The dissatisfied portions of the province were represented in the Colonial Assembly, but America elected no members of the House of Commons; and as certain writers have considered the lack of Parliamentary representation as the cause of the revolution against England, it may be worth while to examine with some care the connection between revolution and representation as it is illustrated in the internal history of Pennsylvania. Franklin, in his examination before the House of Commons, expressed doubt whether a few seats in Parliament would satisfy American aspirations, and a century later an English writer (Mr. Egerton, in his "British Colonial Policy,") has given the same opinion; but while the latter finds the basis for his reasoning in the conditions existing within England herself, the former had no need to search elsewhere than in his own colony for excellent proof of his statement.

The original charter of Pennsylvania had provided for the recognition of the people in two ways: first, by a General Assembly of all the freemen in the province, and, second, by the election of a representative body in whose choice the counties should act as units. By the frame of government of 1682 the Council was to consist of seventy-two members elected by the people, and the Assembly was to be a gathering of all the freemen. It was, however, provided that for this General Assembly there might be substituted a smaller body of from two hundred to five hundred members, annually

chosen by the freemen at the same time and place as the Council, and under such regulations as the law should determine. Because of the loss of labor occasioned by the assemblage of all the people, the alternative allowed by the frame of 1682 was adopted in the following year, and it was provided that the Council should consist of three and the Assembly of six members elected by the freemen of the several counties. Thus, as a result of this transition, there was substituted for the unlimited democracy of 1682 a representative government under which each of the six counties was given equal powers of election and rights of representation.

Although the number of members elected by the individual districts was changed during the period of crown government, the equality of counties was preserved in both Council and Assembly until, by the Constitution of 1701, the former ceased to be a representative body, and had no share in legislation other than that of advising the governor. No alteration in principle was made in 1701 by the new Constitution regarding the manner in which the Assembly should be chosen. It provided that the Assembly should "consist of four persons out of each county, of most note for virtue . . . yearly chosen by the freemen thereof;" and that these Assemblymen were intended to fairly represent the people seems to be presumable, for the "Stile of Laws" was to be "by the Governor with the assent and approbation of the Freemen in General Assembly met" [Constitution of 1701, sec. 2]. As yet there was no cause of jealousy between a majority and a minority of the counties, and therefore these divisions were treated as equal representative units. It was felt that the three lower counties on the Delaware might not act in harmony with the northern divisions, and in order that the local interests of each might be attended to without causing a dead-lock in the Assembly, it was provided by the Consti-

tution that "if the representatives of the Province and Territories shall not hereafter agree to join together in Legislation, . . . in such case" the three lower counties on the Delaware may act in legislation for themselves, and "the inhabitants of each of the three [remaining] counties of this Province shall not have less than eight persons to represent them in Assembly . . . and the inhabitants of the Town of Philadelphia . . . two persons to represent them in Assembly" [Constitution of 1701, sec. 8]. As had been expected, there was an increasing lack of harmony between the North and South in the following years, so that in 1705 the anticipated separation occurred, and the Assembly by law increased the representation of the northern counties as the Constitution had suggested.¹ So long as there were but three counties in the province and the population of Philadelphia remained small, there was little, if any, injustice in this act, nor, until the interests of the city became distinct from those of the counties, would its provisions excite opposition. With the growth of the western settlements and the increase in population within the city, the inequalities of representation became noticeable, and accompanying the neglect of western interests by the Assembly and the aristocratic tendencies shown by the dominant faction throughout the eastern counties, these inequalities aroused antagonisms which never quieted until they were removed.

In much the same way as the county members in Parliament combined with the members from London and Bristol, or even with the mobs of those cities against the oligarchical faction which controlled the Commons, so the members from the western counties of Pennsylvania united with the two Philadelphia representatives, and later with non-voting elements throughout the east, against what was considered a partial and unequal system of government. In like manner

¹ *Statutes at Large*, Vol. II, p. 212.

we may imagine that any American members whom Parliament might have admitted into the Commons would have united with the county members against the government, and, if incapable of thus forming a majority party, would have retired in disgust to the colonies and there overthrown the British control as the ill-treated people of Pennsylvania overthrew the eastern oligarchy. For a clear understanding of the movement in Pennsylvania we must, first of all, disabuse ourselves of the notion that the government of the Assembly was a free government. The same words which Burke used in regard to Parliamentary control of the colonies were equally applicable here. Government by the three eastern counties might or might not have been the best government for the province. Of that any one, then or now, has the right to judge; but, whether good or ill, it was not free government, for of that, as Burke said, the people themselves were the best and only judges.

The ruling classes in the three old counties felt that they best knew what the interests of the colony demanded, and from the time when the Delaware opposition had been satisfied by a grant of leave to withdraw, they determined that no other faction in the province should endanger their own control. To secure this object it was necessary to prevent Philadelphia city, where many of the early immigrants settled, becoming a power in the colony, and the western counties, as they increased in number and population, from electing a majority of the Assembly. If possible, a coalition between the city and the west must also be prevented; and although it may be doubted whether the later dangers of such a combination were ever fully present in their minds, the eastern Assemblymen surely took care to provide against such dangers as they arose. In the east the danger was from the number of people, in the west it was considered as due to the number of counties; so that means were taken to keep the number of voters in the

city of Philadelphia at a low figure, and in the west to erect new counties slowly, if at all, and to restrict their representation in the Assembly. Thus, in the city the suffrage qualification was the possession of fifty pounds in personal property or a free holding, neither of which was easy to secure, while in the counties there was substituted for the latter qualification the possession of fifty acres of real estate, only twelve of which need be improved. As this was not a difficult qualification,¹ the voters of the counties increased more rapidly than did those of the city, and while the city members were often found in alliance with the western discontents, it was more apt to be the Philadelphia town meetings and the later Associations which really expressed the popular sentiment, for these were gatherings of all the people.

Although the idea of property is occasionally mentioned during the early colonial history as a basis of suffrage which would prevent political power going westward, the system of few new counties and small allowances of members for each was the method adopted by the Assembly for the accomplishment of its purpose. Lancaster, the first new county to be admitted (1729), was allowed four votes only in the Assembly,² and succeeding candidates for admission received even

¹ The meaning and value of the qualification for suffrage in the counties which was in force after 1718 can be seen from the recognition of land values given by the act of 1763 raising money for the Indian war. For the purposes of taxation cultivated lands were to be rated at three-fifths of their yearly rental value, and in accordance with this estimate improved marsh meadow land in Philadelphia County was to be held at from thirty to ninety pounds a hundred acres, and in Bucks and Chester Counties at from thirty to sixty pounds. Thus, even in the east, the twelve acres of improved land required for voting in the counties might have a rental value of but three pounds twelve shillings, and a real value of six pounds. To this there must be added the value of at least thirty-eight acres of unimproved land; but it is doubtful if an inhabitant of the counties, especially in the west, where values were much lower than in the east, need be worth over six or seven pounds to be able to qualify as a voter.

² Dallas: *Laws of the Commonwealth*, Vol. I, p. 242.

less consideration. For twenty years, indeed, no new county was erected, and when, in 1749 and 1750, York and Cumberland were admitted, they were allowed but two members each.¹ Even this number appeared too large in the eyes of the Assembly, and in 1752 Berks and Northampton were each given but a single Assemblyman upon their erection.² From this time until 1771 no new counties were erected, although petitions complaining of the grievance caused by this policy were repeatedly received.³ This grievance was twofold. Not only were the increasing populations of the western counties deprived of the representation to which they were, or thought they were, entitled, but the size of the counties made it a difficult matter for many residents to go to the county towns to transact certain necessary business. To this difficulty the poor quality as well as the small number of the roads contributed. It was, however, only a secondary cause of the dissatisfaction; for when, in 1770, the Assembly voted that if the people of Cumberland County wished to be separated into two districts for administrative purposes—no additional Assemblyman being

¹Dallas, Vol. I, pp. 324, 329.

²Dallas, Vol. I, pp. 347, 352.

³A few representative petitions are here given :

March 29, 1763. Votes, V, 255. Berks County petitioned for an increase in representation "in accord with justice, the spirit of the charter, and the law that first erected that part of the province into a county." Reference is made, as in other petitions, to increase in population, trade, etc., since its erection.

February 10, 1764. Votes, V, 313. Petition of Lancaster, York, Cumberland, Berks, and Northampton.

"We apprehend that as freemen and English subjects, we have an indisputable Title to the Same Privileges and Immunities with His Majesty's other subjects who reside in the Interior Counties of Philadelphia, Chester and Bucks, and therefore ought not to be excluded from an equal share with them in the very important Privilege of Legislation ;—nevertheless, contrary to the Proprietor's Charter and the acknowledged Principles of Justice and Equity, our five Counties are restrained from electing more than ten Representatives," etc.

March 23, 1764. Votes, V, 332. Petition from Cumberland for more votes or a division of the County.

given—it would be done, the proposition was not enthusiastically received.¹ The dissatisfaction was increased by the feeling that the founders of the colony had never intended such a system of inequality, and references to the original charter are numerous in the various petitions. The early constitutions created no such inequalities. Either population or counties constituted the only basis of representation there recognized, and there was no reason for thinking that any change had been intended. The Proprietors also had been and were in favor of more equitable action² and, above all, equity demanded an increase of western members, whether taxation or population was considered the true basis of representation. Thus, in 1760,³ if Philadelphia County with her eight members was taken as the standard, the western counties, judged by the number of taxables throughout the State, had twelve and the city of Philadelphia two votes less than their true quota;

“What lies at the Bottom of all their Grievances [*i. e.*, the people of the West] and must be complained of as the Source of all their Sufferings is their not being fairly represented in the Assembly.”

May 16, 1764. Votes, V, 340. Berks County petitioned for more members “in accordance with the principles of justice.”

January 20, 1768. Votes, VI, 21. Berks and Northampton ask for two members each. Leave was given to introduce a bill to this effect, but on January 27, after debate, it was rejected. Votes, VI, 29.

¹ February 9, 1770; Votes, VI, 220.

² See the letters to Morris and Peters in 1756–57; the letters to Chew, March 22, 1756, December 12, 1757; and others later.

³ REPRESENTATION, 1760. (VOTES, V, 120.)

COUNTIES.	Taxables.	Members by Taxables.	Taxes.	Members by Taxes.	Actual Members.
Philadelphia County . .	5,678	8	£6,540	8	8
Philadelphia City . . .	2,634	4	5,926	7½	2
Chester	4,761	6½	5,237	6	8
Bucks	3,148	4½	3,305	4	8
Lancaster	5,635	8	6,198	7½	4
York	3,302	5	2,641	3+	2
Berks	3,016	4½	2,412	3	1
Cumberland	1,501	2+	1,200	1½	2
Northampton	1,989	3	1,392	1½	1

while, if taxes were the proper determinants, and Philadelphia County again assumed to be fairly represented, Bucks and Chester had six votes too many and the west, with the city of Philadelphia, twelve votes too few. In later years the taxes collected from Philadelphia City and County are often reckoned together, so that no true estimate can be made; yet in one such year—and it is not an uncommon showing—the county of Bucks is seen to have had twice the number of representatives to which her taxation entitled her, while every county throughout the west had less.²

² REPRESENTATION, 1768-69.

COUNTIES.	Taxes.	Actual Members.	Members by Taxes.	Members by Gross Taxation.
Philadelphia (City and County) .	£11,468	10	20	23
Excise	2,407			
Bucks	2,530	8	4	5
Excise	346			
Chester	4,316	8	8	8
Excise	562			
Lancaster	3,679	4	7	7
Excise	503			
York	1,349	2	2+	3
Excise	180			
Berks	1,250	1	2	3
Excise	343			
Cumberland	1,895	2	3+	3
Excise	23			
Northampton	1,108	1	2	2
Excise	200			

Taking Chester as our unit, since Philadelphia County here includes the city, and omitting the excise tax, Bucks in the east receives double its true share, and Lancaster is again the greatest loser. The east, as a whole, cannot be fairly estimated in that the city and county of Philadelphia are classed together, but there seems no reason to doubt that if that tax could be divided fairly evenly, as in 1760, there would be no great difference between the two tables. Nor does the counting of the excise make any appreciable difference except in the case of Philadelphia, as is shown by the figures in the third column. As the consumption of liquor was probably heavier in the city than in the county this increase would be apt to favor the city yet more.

Although the grievance against which the newer counties protested was a marked one in 1760, it became worse each year, for those counties were increasing more rapidly in numbers, in wealth, and in tax-paying ability than was the east. Indeed, when the question of representation did not furnish the issue around which the disputes were conducted, the members of Assembly and their eastern constituents had no hesitancy in calling that increase into prominence.

Thus, in 1760 an assessment had been made to determine the relative amount of taxation due from the several counties of the province for the succeeding fifteen years. Throughout the east, and more particularly in Philadelphia County and City, the quotas had been faithfully assessed and paid; but in the west, especially in the counties of Northampton, Berks, Lancaster, and York, the assessors had rated the lands and personal property of the inhabitants far too low. On January 25, 1773, these grievances were summed up in the "Remonstrance and Petition from the Commissioners, Assessors and Freemen of the City and County of Philadelphia,"¹ setting forth that for sinking certain sums of money granted during the late War to the King's use, a Tax has been laid on all estates, real and personal within the province; and for the more equitable assessment of the same, an Essay was made Anno 1760, by Order of the Assembly, for ascertaining the Annual Quotas that might be raised by the City and each of the Counties agreeable to the Quantity of Land and Number of Taxables then returned in each of them respectively."

"That the City and County of Philadelphia . . . have from Time to Time assessed and paid into the Public Treasury sums so consonant to Law and the Estimate at first made that their Quota will be nearly paid in the time originally proposed, viz., by the tax of the year 1772, notwithstanding that the

¹Votes, VI, 431.

said estimate was at first thought to bear too hardly on the City and County."

"That although the other Counties generally be more or less deficient in their quotas, yet some of them have fallen so remarkably short . . . that at their present Rate of assessing themselves Berks and Lancaster would require at least eight years more to raise their full proportion and York fifteen years, notwithstanding these counties since the year 1760, and York particularly, have increased greatly in their number of inhabitants, the Quantity of Cultivated land and their Ability to raise Taxes, while the state of the three interior counties [*i.e.*, Philadelphia, Chester and Bucks] remains nearly the same."

Thus, when it came to a matter of taxation the east did not hesitate to admit that since 1760 the relative growth of both wealth and population had been very marked throughout the west, but the Assembly did not, therefore, consider that a more equitable system of representation should be established. An indication of the feeling between the two sections is found in the accusation made in connection with the above statement that "an unequal proportion of the Taxes appears to be charged in those Counties on all land belonging to residents in this City and County."

Charges like these made by the eastern counties demanded and received attention at the hands of the Assembly. Committees were appointed to look into the matter, and they found that the charges made had a foundation of fact, although they were somewhat exaggerated. By votes in which the lines were drawn on a sectional basis it was decided that no lands in the province should be rated at less than five pounds a hundred acres, and that all improved lands should be rated at three-fifths their annual value. The measure finally passed on January 4, 1774, by a vote of nineteen (easterners) against eight (of whom seven were from the west).¹

¹Votes, VI, 497.

This action removed the last grievance which the Delaware counties had against the west and the only justification which there was for disproportionate representation, but there was no evidence that the Assembly proposed to increase the quota of the Susquehanna Valley until a fair apportionment was reached. Indeed, one step was taken towards rendering representation more difficult by the provision that hereafter (January 27, 1770) all representatives "shall be chosen from among the inhabitants of the City or County from which they are elected," thus preventing the western counties choosing a member from Philadelphia, who, with less inconvenience, could be present at all times in the Assembly.

Meanwhile the dissatisfaction throughout the west was being reinforced by the merchants of the east because of their loss of trade, and the Assembly felt compelled to yield a little in the face of the numerous petitions which it was receiving. February 1, 1770, Berks and Northampton were each allowed an additional member in the Legislature, and in each of the successive years—1771, 1772, and 1773—a new county was admitted¹ with a single vote.² This was the last increase in

¹ Bedford, Dallas, Vol. I, p. 563; Northumberland, Vol. I, p. 607; Westmoreland, Vol. I, p. 663.

² *Petitions*.—Northampton for an additional member, January 7, 1772, defeated by "a great majority." (Votes, VI, 375.)

Philadelphia City for more representatives, "since she pays one-quarter of the taxes," February 26, 1772.

Northampton for a new county, September 21, 1773.

Lancaster and Berks for a new county, February 10, 1773.

Lancaster and Berks for a new county, January 11, 1774.

The northwest portion of Bucks to be separated from the rest, September 19, 1774.

Northampton for an additional member, December 8, 1774.

Lancaster and Berks for a new county, February 23, 1775.

No attempt to give an exhaustive list has been attempted, but the intent is merely to show how the same petition would be presented year after year.

In 1776 the petitions were too numerous to be separately recognized, and the records are in this fashion :

membership which the Assembly granted until 1776. During the spring of that year the agitation increased very rapidly, and the House was willing to do anything to preserve its own existence and nominal authority. It therefore provided on March 15,¹ for the election of seventeen additional representatives from Philadelphia City and the western counties.

Had this concession, which in 1776 was so evidently extorted by fear, been granted willingly several years earlier, it is possible—one can almost say probable—that in Pennsylvania, as in Massachusetts, the revolution might have been accomplished without the necessity of changing in any essential the established government of the colony. The city of Philadelphia however, yet felt unfairly treated because the former unequal suffrage requirements were still maintained. Even under the new apportionment the east had a majority of two, and with Lancaster and the city counted as neutral, each having six votes, the ratio would be unchanged. It had, however, become too late for the Assembly to regain the power which it had several times allowed to drop from its hands. Amidst a general feeling of distrust which it did little to dispel, the Legislature, in which for three-quarters of a century representation had been manipulated by the three eastern counties of the colony for their own benefit, was displaced by a new governing body in which the former minority ruled.

February 28. "Petitions for additional members were presented from York, Berks, Bedford, Cumberland and Northumberland Counties." (Votes, VI, 676.)

March 5. "A number of petitions from the Counties of York, Cumberland, Berks and Bedford for more members to represent the said counties respectively in Assembly was presented to the House and read." (Votes, VI, 684.)

¹ Votes, VI, 693. Before 1771 the votes of the respective sections had been 26 to 10 in favor of the east, and in 1775 the total of the west had increased to 15. In this reckoning Philadelphia City is counted with the east and Lancaster with the west, although the votes show that on many of the sectional questions the members from these two districts were divided about evenly. On March 15, 1776, the Assembly resolved, by a vote of 23 to 8, that Philadelphia City should have 4 additional representatives; Lancaster, 2; York, 2; Cumberland, 2; Berks, 2; Northampton, 2; Bedford, 1; Northumberland, 1; Westmoreland, 1.

CHAPTER IV.

THE GROWTH OF THE REVOLUTION IN THE WEST.

AUTHORITIES.

Votes of the Assembly.

The Minutes of the Common Council of the City of Philadelphia, 1704-76. Philadelphia, 1847.

The Philadelphia Colonial Press.

The John Davis Papers in the Library of Congress.

The Ephraim Blaine Papers in the Library of Congress.

The Maryland Gazette, 1745-76.

The Maryland Journal, 1773-76.

The Laws of Maryland, 1637-63. Annapolis, 1765; *ibid.*, 1763-76. Annapolis, 1787.

Votes and Proceeding of the Lower House of Assembly, 1753-59. Annapolis, 1759.

Maryland Archives. 16 vols. Baltimore, 1883-97.

The Johns Hopkins University Studies in Historical and Political Science. Baltimore, 1883-99.

Scharf, J. Thomas, Chronicles of Baltimore. Baltimore, 1874. History of Maryland. 3 vols. Baltimore, 1879.

It has already been shown that the racial and religious differences which were the first cause of the division of the British Empire found their parallel within the colony of Pennsylvania. The conservative class controlling the English Parliament had its colonial duplicate in the dominant Quaker population of Philadelphia, Chester and Bucks Counties. The Germans and the Scotch-Irish in the colony corresponded to the Americans and their sympathizers within the British Empire. Thus the ground was ready for a colonial as well as a national revolution.

Some writers have maintained that the American cause was weak in Pennsylvania because national independence meant the downfall of Quaker government. It would be nearer the truth to say that the feeling against the colonial government gave the international movement the greater part of its

strength. Too often the democrats of New England and Virginia are regarded as inspiring the revolution in Pennsylvania. The reverse is more nearly the fact. No people in all America were more democratic than the dissatisfied communities in the Quaker colony, and it was because the provincial government would not grant them equal rights or equal opportunities that these dissatisfied people welcomed a national movement under cover of which they might revolutionize their own colonial conditions.

Discontent with the provincial Assembly existed in Philadelphia as well as in the western counties. In both, the antagonisms which race and religion had created were increased by legislative favoritism, and throughout the west economic interest was working in the same direction. Just as trade connections with Southern Europe and the West Indies helped to alienate America from Great Britain, so trade between the ports on Chesapeake Bay and western Pennsylvania helped to alienate the new counties within the state from the old. As the frontier continued to send taxes to Philadelphia and received no adequate benefit in return, indifference toward the east changed to positive dislike just as British taxation with no corresponding benefit alienated America from the mother country.

It has been usually assumed by historical writers in their estimation of the mutual influence exerted by Pennsylvania and her Southern neighbor that the predominant force was exercised by the Quaker community. So far as the early period of colonial administration is concerned, this view seems to be correct, and there are instances in which the policy of the Maryland Assembly, so far as it was amenable to any outside influence, was determined by Pennsylvania precedent. It was but natural that such should be the case. In each colony there was a proprietary government. In each an Assembly founded on popular election endeavored to increase

its power at the expense of the proprietor's representative. In each colony the question of the taxation of proprietary lands was a vital one and in each the Assembly used the threat of an appeal to the Crown as a lever by which its will could be made the law of the province. During the early period Pennsylvania was much the larger colony. Many provincial quarrels had been settled there before they arose in Maryland, and the methods of the Philadelphia Assembly were always available as models in case of need at Annapolis.

As early as 1704 there seem to have been trade connections between the two colonies ; but before the export trade of Maryland became important that connection was frowned upon by the Southerners. In that year (October 3) the Maryland Assembly passed an act "prohibiting the importation of bread, beer, flour, malt or other English or Indian grain or meal, horses, mares, colts or fillies, or tobacco from Pennsylvania and the territories there belonging," thus giving an early proof of that fostering of home industry which was a prominent feature of Maryland's later legislation. But the ties which bound the people of the two provinces together were too strong to be broken by adverse laws. The population of western Pennsylvania and Maryland was of the same race and religion, and lived under similar conditions. Here was the foundation of a union, and with the coming forward of Baltimore as a centre of trade, and the pursuance of a more friendly policy by the Annapolis Assembly, the two colonies rapidly drew together. Although the colonial governments would not act together against either French or Indians, individual settlers did so, and frequently were found combining as well against the administrative agents sent by their respective governors to collect taxes or rents. Indeed, one of the reasons why the proprietors of the two provinces were so eager to settle the boundary dispute between their respective territories was to decrease this unwelcome co-operative action.

Another indication of the close connection between the two colonies is found in the circulation of Pennsylvania bills of credit throughout Maryland. Loaned out by the Philadelphia government, so much currency went to the southern province that in 1766, the Pennsylvania Assembly, in its petition to the English government, gave as one reason for not depriving those issues of their legal tender quality, "that a great part of the Bills now current, are subserving the Purpose of Commerce in the Colonies of New Jersey and Maryland, . . . that the commercial Interest of the last mentioned Colony must have been greatly distressed without them, having had, for some years past no sufficient Medium of Trade of her own."¹

The Assembly of Maryland was more cosmopolitan and democratic in its composition than that of her Quaker neighbor, and the common attitude of resistance to proprietary influence taken by the two legislatures should not blind us to the fact that their individual composition was very different. The Philadelphia body was controlled by the wealthier portion of the eastern counties and was in reality contending for an oligarchical government, but the Maryland legislature was a democratic body, seeking to establish the principles of popular sovereignty. This explains the different attitude taken by the Presbyterians and other dissenters of the two colonies regarding proprietary government. Until the Assembly had been made a representative body, the Pennsylvania democrats hesitated to increase its powers, lest they should lose all influence in the government. Their Maryland brethren could act unreservedly against the Baltimore family, for the decrease of proprietary influence meant the growth of their own importance.

Economically western Pennsylvania was much more closely in touch with Maryland than with the Delaware Valley.

¹ January 14. Votes, V, 449.

Philadelphia, to be sure, was the largest city in America and the financial centre of the colonies. Her commerce was practically a monopoly. Her merchant aristocracy owned the ships in which their trade was carried on, and their profits enabled them to live in a style that excited the envy of their less favored neighbors. Owing to this commercial prosperity many luxuries found their way into Philadelphia, while the restraints put upon American manufactures by England made London and Bristol the warehouses from which she was supplied with everything except food. The rich lands along the Delaware and the Schuylkill furnished the grain which was exported in payment for the products of Europe or the West Indies, until a condition of comfort developed in the homes of the Philadelphia merchants which greatly exceeded anything found elsewhere on the continent and was luxury when compared with conditions throughout the west.

The interior of Pennsylvania and Maryland was mainly a farming district. The cultivation of tobacco, at first confined to the latter colony, gradually extended toward the north, while grain culture as gradually spread southward. Practically every farmhouse was a small manufactory in which all articles of wearing apparel and most of the furniture and household utensils were made. With the exception of sugar, salt and certain iron and steel manufactures, the western communities were able to supply their every economic need. Of the luxuries which came into Philadelphia, the Susquehanna immigrants were able to purchase very few. They had little use for them upon their farms and no money to waste in their acquirement. So long as their flour and grain could be readily delivered at tidewater to some merchant, by him exported to the West Indies and sugar and molasses received in return, the west had no concern with fine clothes or elegant coaches. Indeed, the Presbyterians were inclined to regard such luxu-

ries as devices of the devil and the city itself as a place of crucifying expenses.¹

The trade in slaves and indented servants carried on between the two provinces also illustrates their close economic connection. In this trade the Quakers seem to have had little share and the action of the Assembly in 1769 providing for a more careful regulation and limitation of such intercourse as this, even if it were necessary to appoint more deputies to enforce the law, was taken as a grievance by the people engaged in the traffic.²

Turning more definitely to trade in the ordinary acceptation of the term, there was one disadvantage under which Philadelphia labored in the matter of foreign commerce which became more noticeable as shipping interests increased in rival cities further south. During a large part of the winter the Delaware River was either closed to traffic or was dangerous for the small ships in which commerce was at that time carried on.³ Although efforts were made to do away with this danger by building piers at the mouth of the river and bringing goods to the city on sledges, Baltimore continued to have an advantage in this regard and as late as 1770 it was urged that Maryland, Virginia and even New York in winter "secure a large part of our export and import trade."⁴

¹ Certainly this was true a few years later. See the letter of James Lovel to Washington; Sparks, *Correspondence of the Revolution*, I, 412.

² Votes, VI, 141.

³ See the letter of Alexander J. Hill to Oliver Pollock at St. Eustatia: "You cannot expect any of our produce until the river is open again." December 21, 1767. Manuscript in Library of Congress.

⁴ Votes, VI, 219. In 1761 the merchants petitioned the Assembly to make some provision for the erection of piers in the river that vessels might be more secure in winter and for a port near the mouth of the river where goods might be landed and thence by sledge or wagon brought to the city.

In September, 1763, as a result of this agitation for the improvement of the water route, the Assembly provided (Carey & Bioren, I, 400) that money should be raised by a lottery for the erection of a lighthouse at Cape Henlopen. A year

From this hindrance Maryland's trading port was free and her market was therefore more stable and reliable.

Founded at the time of the great increase in Irish immigration (1729), Baltimore by 1770 had become a city of nearly twenty thousand inhabitants and the economic centre of the Chesapeake region. Close rivalry with Philadelphia for the trade of Pennsylvania was not to be expected at first and the monopoly which the merchants of the northern city maintained, led them to disregard the efforts of Baltimore and the Maryland Assembly to draw trade from the Delaware to the Chesapeake. This carelessness on the part of Philadelphia proved costly, for while the racial and religious antagonism between western and eastern Pennsylvania was gradually increasing, the southern trade movement was being strengthened by the friendly attitude of Maryland. Even had the southern government shown no willingness to aid commerce by the maintenance of good roads, it was much easier for the Pennsylvania farmer to float his produce down the Susquehanna to Chesapeake Bay than to draw it overland to Philadelphia, but by its aid in building roads north and east from Baltimore, and by maintaining an excellent highway from that city to Middletown on the river above the rapids, the Maryland

later provision was made for further improvement (September 22, 1764, C. & B., I, 407) and an additional lighthouse on the river was provided for in 1771 (October 19, C. & B., II, 37).

There was also continual trouble with the pilots on the river, the fees exacted being excessive and the service poor. To break up the monopoly which the pilots had secured acts were passed in successive years (February 8, 1766; May 20, 1767; May 27, 1769) in response to petitions and complaints, some of which came directly to the Assembly and more of which are found in the press. The grievance was not remedied, however, and to very recent years has remained an annoyance to Delaware shipping. (See also the Acts relating to the Wardens of the Port of Philadelphia, March 18 and June 29, 1775.) On the other hand, January 27, 1767, a petition from the Merchants of Philadelphia was presented to the Assembly in which it was urged that the regulations of the Assembly regarding pilotage, etc., in the Delaware tended to "destroy or divert various valuable branches of Trade from this Province." Votes, V, 515.

Legislature greatly increased the advantage of the Baltimore merchant over his Philadelphia rival.¹ As regards such imports as salt and tea, the advantage was less marked because of their small bulk and because they had to be carried against the current of the river, but the manner of life of the westerner made imports less important than exports² and his trade naturally went to the agent who had charge of his exports of grain. During the period when Baltimore was gaining her hold upon the trade of the interior the high prices demanded by the Philadelphia traders and the monopolistic spirit shown by the merchants of the east who thought they had the whole colonial trade securely in their hands, also increased the dissatisfaction of the west. From Baltimore and the south came the money which went as taxes to the east or to eastern traders for merchandise. This aroused the jealousies which naturally exist between debtor and creditor communities and they were increased, of course, by the failure of the east to help against the Indians or to assist in the establishment of roads although repeatedly petitioned. Even the traders of Philadelphia received scant attention from the Legislature, and the western producers from whom the earlier petitions came were practically disregarded.³

¹ See Gibson: *History of York County*, 321-330, and *Acts of the Maryland Assembly*, 1753, Chaps. 16 and 27; 1766, Chap. 24; 1774, Chap. 21.

² Even in the minor articles, Philadelphia had not a clear field. Doddridge, who until 1773 lived in Bedford County, Pennsylvania, and afterwards in what is now Washington County, in the same State, and who is speaking of his own knowledge or from his father's experience, says in his *Notes*, Chap. XIII: "The barter for salt and iron was made first at Baltimore; Frederic, Hagerstown, Oldtown and Fort Cumberland in succession, became the place of exchange." In the same chapter he also speaks of cattle being driven from this region down to the Baltimore market.

³ The earlier petitions of the merchants seem to have related more to the Indian than to the colonial trade. On May 14, 1762, a petition from the merchants of Philadelphia was presented to the house and read, in which it was said: "That the Remonstrants conceive the opening and forming convenient Passages for the Transportation of Merchandize to the Public Markets and navi-

Feeling secure in the possession of the interior trade, the Quaker Assembly made little if any effort to decrease the cost of transportation from the Susquehanna to Philadelphia until after the struggle of 1764. From then until 1773 attention was called to the fact that the western trade was being transferred to Baltimore, and finally the Quaker merchants began to realize that the Irish and German farmers were not so much at their mercy as they had thought. Efforts were at once put forward to improve the roads and to establish a system of canals between the Susquehanna and Delaware River systems. The Revolutionary War interfered with many of these projects, so that not until 1792 was anything done in a systematic manner toward the improving of the economic conditions. In that year the Philadelphia-Lancaster turnpike was undertaken and on its completion in 1794 became the first road suitable for heavy wagon traffic between the Delaware and western Pennsylvania.

Baltimore and Maryland were more alive to the importance

gale Parts of any Country, is of the utmost Importance to its Trade and Commerce, and must greatly advance the general Good and public Welfare thereof. That sensible of this evident Truth, the neighboring Governments of New York and Maryland have opened a commodious Passage from the Indian Country for the Carriage of Indian commodities and Merchandize from thence to their respective Markets and Navigable Parts, by which their Trade is daily increasing, to their very great advantage and emolument.

"That for want of some such convenient way for the Transportation of their Goods and effects, to and from the Indian Country, situate to the Northward and Westward of this Province, the Merchants and Traders of this City have laboured under great difficulties and Hardships in transporting their Merchandize into the Indian Country and in bringing from thence their peltry to the City of Philadelphia." They wish a water passage up the western branch of the Susquehanna that "goods may be transported to the European Markets sooner than from the neighbouring Governments."—[Votes, V, 221]. The poor condition of the roads and the difficulties of transporting provisions as late as 1779-80 is readily seen by an examination of the letters which passed between the Continental authorities at Philadelphia and their agents at Carlisle and Lancaster.—[See the papers of John Davis and Ephraim Blaine in the Library of Congress. Davis was in charge at Carlisle and Blaine at Lancaster.]

of the situation. Legislation by the Maryland Assembly, united with town action, had improved the harbor of Baltimore and had built good roads from that city into the surrounding country before Philadelphia had realized the importance of the movement. Especially had care been taken to improve the highway to Middletown on the Susquehanna, where the rapids of Conewago Creek made the river dangerous for the bateaux and keelboats on which the products of central Pennsylvania were floated down the current. As early as 1739 trade routes began to be opened from Baltimore into the northern colony, thus increasing the commercial advantage which the water route gave, and in 1749 a road was built from Fredericktown to the Pennsylvania line. In 1748 the Maryland Legislature, in its efforts to stimulate the trade in grain and flour, offered grants of land to all those who would establish flour mills within her boundaries. As a result of these efforts it was estimated that by 1769 over 40,000 tons of flour were exported from the port of Baltimore alone.¹ "From Harrisburg and Carlisle," says Scharf, quoting Doddridge and Kercheval as authority, "to the upper part of the valley of Virginia, Baltimore was the only place the people traded with." Significant hints regarding this trade relationship between the two colonies are furnished by comparing the imports of Pennsylvania during the years 1768-69 with those of Maryland and Virginia.²

In the financial year 1767-68 Pennsylvania imported from England goods to the value of £432,000, but in the next year, owing to the non-importation agreement, that total decreased to £199,000 (or by one estimate to £119,000). In the same years Maryland and Virginia increased the value

¹ Scharf: *Chronicles of Baltimore*, p. 125; *History of Western Maryland*, p. 436.

² I have not been able to obtain statistics for Maryland alone, but it is not probable that the union of the two colonies increases the strength of the argument.

of their imports from £475,000 to £488,000.¹ Too much weight should not be placed upon statistics, but these figures would seem to indicate either that a much greater amount of smuggling occurred in Pennsylvania than in the southern colonies or that trade was rapidly setting toward Baltimore. The second supposition is the more probable for it was precisely at this time that Philadelphia awoke to the fact that she no longer controlled the trade of the colony and, among others, "Elucidatus" asked in the *Pennsylvania Gazette*² if navigation and trade routes could not be opened throughout the western part of the colony. Moreover, it is probably true that the Quaker merchants of Philadelphia were fully as loyal to the trade agreements as were their fellow merchants in Maryland.³ During 1770, Philadelphia weakened in her support of non-importation,⁴ and finally, on September 20, it was determined "by a great majority in the affirmative" that the non-importation agreement as it then existed should be altered,⁵ although the country people, so far as heard from, continued in favor of non-intercourse.⁶ Is it not possible that the merchants of Philadelphia, in their anxiety to gain back the trade of the west, wished to free their commerce from restrictions, while the population of the interior, their necessities amply supplied from another source, preferred to have the fight maintained? Whatever may be the explanation offered for the difference of feeling between the two sections of the colony, the fact remains that the tide of commerce had definitely set toward the southern route, and that "many thousands of bushels of rye, oats, corn, wheat and potatoes" came down

¹ Franklin's Works, IV, 242, letter of W. S. Johnston; *Penna. Gaz.*, May 24, 1770.

² January 4, 1770.

³ See: Sharpless, *The Quakers in the Revolution*, p. 75.

⁴ *Penna. Gaz.*, July 19, August 16, September 20.

⁵ *Gaz.*, September 27.

⁶ *Gaz.*, August 9.

the Susquehanna to Middletown and from thence by road to Baltimore.¹

At length Philadelphia became aroused. Speaking of the amount of western traffic which had left the eastern merchants and had gone to Baltimore, "A Friend to Trade" said, in "An Address to the Merchants and Inhabitants of Pennsylvania" (1771): "By conversing with many experienced persons I find most of them are of the opinion that, provided the ferries which lead over the Susquehanna to Carlisle and York were made free, and the road leading from Lancaster to this City, a turnpike or repaired by some other method that would keep it durably good, we should have a rational foundation to believe they would prove speedy and effectual remedies, for they might be made to operate immediately by reducing the expense of carriage from those parts, both by a saving of the ferriage and the advantage of carrying double the quantity in their wagons which they now do; and if we should not be so happy as to succeed by this means to restore our western trade, yet the public will be compensated for the expense by the advantages which will accrue to the inhabitants whose situation makes it necessary to use it." Of York, Bedford, Cumberland and Frederic Counties the same writer declared: "There are inducements for the Counties named to go to Baltimore rather than Philadelphia by its situation and communication by the Susquehanna rather than be at the expense of crossing that river, and afterward to drag their wagons along a road rendered almost impossible by the multitude of carriages that use it and *the insufficiency of our road Acts to keep it in repair.*"²

In May, 1771, Rhoads wrote to Franklin:³ "The growing trade of Baltimore—drawn principally from our province west

¹ Gibson, p. 330.

² Westcott, Chap. 166. *Italics are the authors.*

³ Franklin's Works, IV, 396.

of the Susquehanna—alarms us,” and in the Address to the Merchants and Inhabitants of Pennsylvania,” already quoted, and published in December, 1771, it was urged that “Baltimore town in Maryland has within a few years past carried off from this city [Philadelphia] almost the whole trade of Frederick, York, Bedford and Cumberland Counties.” It is added that unless some action is taken by which closer connections may be secured between the east and west the whole of the provincial trade will be lost. In 1772 another effect of the encouragement given by Maryland to colonial enterprise and more particularly to the grain trade with the Susquehanna district was seen. Not only had subsidies of land been granted to settlers from Pennsylvania and low prices offered them but more important privileges had been held out to manufacturers of flour, and at one time to manufacturers of iron goods. Availing themselves of this offer, in 1772 Joseph, Andrew and John Ellicott came down from Bucks County and established the Ellicott Mills.¹

Two methods of regaining the western trade were proposed at Philadelphia—canals and improved roads. So far as canals were concerned the recommendations of the committees occasionally appointed by the Assembly, of the numerous writings in the press and pamphlet literature of the time, and of the petitions to governor and to Assembly appear to have had little effect.² These efforts do, however, make very clear

¹ See Tyson Settlement of Ellicott Mills, Md. Hist. Publications, Vol. 4.

² See a pamphlet entitled *Chesapeake* (1768) in which a canal from the Delaware to the Chesapeake appears to have been first recommended.

The petitions for canals seem to have had the effect of causing commissions to be appointed and resolutions passed, but nothing was actually accomplished toward the purpose in view. Thus on January 18, 1770, [Votes, VI, 206], the Assembly in full committee resolved “that it be recommended to the House to consider the several petitions before them for opening and improving the navigation of the rivers Susquehanna, Delaware, Schuylkill and other navigable waters within this Province,” and it was recommended to the House to prepare and offer a bill for “improving and rendering more effectual to the trade of this Province

the fact that the close connection between the west and south was acknowledged. This trade and the accompanying financial relations could not have existed without tending to widen that breach between the Delaware and Susquehanna valleys which differences of race, religion and custom had already created. With each repulse in the Assembly, trust in the power of petition decreased and greater reliance was placed upon the efforts of the Baltimore merchants. The Philadelphia traders became all the more exasperated and sought other means of maintaining their own prosperity even at the risk of losing their popularity throughout the eastern counties.

In their efforts to obtain improved roads the Philadelphia merchants had been seemingly more successful. On January 16, 1770, a petition was drawn up and signed by some of the most influential men of the city, among whom were the Shippens, Biddle, Allen, Hughes and Smith, praying "for a road from Susquehanna to Schuylkill in Pennsylvania,"¹ the object being

the waters of Susquehanna with its branches, Delaware, Schuylkill, Juniata, the Lehigh and Neshominey by removing all Obstructions to the navigation of the said waters." As a result measures were passed to improve the river navigation, and a year later, on January 23, 1771, "The House taking into consideration the great advantage that must accrue to the Trade of this Province, in case an inland Navigation can be effected between the branches of the rivers Susquehanna, Schuylkill and Lehigh," appointed a committee to examine and report on the expense necessary."—[Votes, VI, 275.]

September 24, this committee reported that a canal could be constructed between the branches of the Schuylkill and Susquehanna, and with this and the improvement of the rivers "it is thought an inland Navigation may be formed of vast extent and Benefit to the Province."—[VI, 313.]

In January, 1773, Rittenhouse and Rhoades again reported in favor of a system of canals between the Delaware and Susquehanna, but the canals were not built and trade continued up and down the rivers instead of along eastern and western lines.

¹ Penna. Archives, IV, 362. "The Petition of sundry Inhabitants of the said Province most humbly sheweth, That a good waggon Road from the Forks of the Susquehanna to the nearest navigable waters of Schuylkill, hath long been considered as an object of the greatest Importance to the Prosperity of this Province." The route is then suggested, and it is said "the opening so good a

to bring the east and west again into close commercial relationship. On February 9 the Council took this petition under consideration and appointed a commission to investigate the matter.¹ In April this commission presented a favorable report and it was ordered that the road "be forthwith opened and rendered commodious for Public Service."² On February 20 the Governor also had laid before the Council a petition for a new and good road from Lancaster to Philadelphia, which "will be of great utility to the trade of Philadelphia, and to the back Inhabitants, by rendering carriage more safe and easy." A second committee was appointed to investigate this request, and on November 10 another report was laid before the Council recommending that this road also be constructed,³ as it would be of "great utility and advantage to the City of Philadelphia, . . . beside suiting a number of people who now have no convenient Road to the said City," and the road was ordered to be opened.

Other petitions also were favorably acted upon, as one from the inhabitants of Philadelphia, Bucks and Northampton counties for a road first asked for fifteen years before,⁴ but it was much easier to secure favorable action by the Governor and Council than to obtain money for such purposes as this from the Assembly. An order from the executive for the construction of a highway meant merely that, if the towns through which the road was to pass wished to construct it at their

communication by land . . . will afford the most advantageous route for carrying on a profitable Trade with the distant Northern and Western Indian Nations, and likewise be the means of bringing all the produce of the rich lands lying on and near those extensive and navigable waters [of the Susquehanna] at a cheap rate to the City of Philadelphia, which will thereby effectually promote the Commercial Interest of the City and Province."

¹ Col. Rec., IX, 651.

² Col. Rec., IX, 666.

³ Col. Rec., IX, 657.

⁴ Col. Rec., IX, 703, 731.

own expense, they could do so. The province bore none of the cost, and complaint was frequently made that, although a line might be made for a road, no road followed the line. In the Assembly it was held that the towns should not only keep in repair such roads as already existed, but should take it upon themselves to build new highways whenever they were considered necessary or helpful to their own interests. Frequently the Assembly would offer to appoint a committee which should oversee the expenditure of such sums as were raised by subscription, occasionally a lottery would be authorized, and rarely the Assembly would agree to contribute a sum equal to that raised by subscription, but a more liberal offer than this was seldom if ever obtained. Finally, in March, 1775, a committee report was obtained in favor of provincial action, for then it was considered essential to bring the east and west into closer relations.¹ One reason for the former lack of action on the part of the Assembly was given by "A Friend of Liberty" in the *Pennsylvania Gazette*.² He declared that, although the trade of the western part of the State naturally went to Baltimore, disputes concerning where money should be expended had not only prevented consistent expenditure on roads to remedy the evil, but had discouraged all appropriations whatsoever.³

¹ See Votes, VI, 448, 570.

² April 7, 1773.

³ For such disputes see Votes, VI, 552, and Col. Records, IX, 703.

Against this policy energetic protest was made, especially when such roads were regular commercial highways from Philadelphia into the interior and used by her merchants for the maintenance of their trade.—[See the protests of Lancaster County, Votes, VI, 21, and of Cumberland, VI, 30.] The Assembly, however, declined to act as the petitioners requested, but in 1772 the feeling of the necessity of the road to Lancaster being kept in repair if the trade with the west was not to be wholly lost prevailed, and the city of Philadelphia having granted £500 the Assembly gave £1,000. This was followed in 1773 by a grant of £200 for a road from Reading to Fort Augusta, but this seems to have been more for military purposes.

On December 21, 1774,¹ a petition from Lancaster County was read to the Assembly, in which it was stated that "the Trade of the Western Parts of the Province has increased very greatly within these few years past, and the Roads necessary for the Transportation of Merchandize and the Product of the County are now almost unpassable ; that on account of the Inattention paid to public Highways, large Quantities of Grain, Flaxseed, Hemp, Iron and other Articles of Trade, are daily conveyed to Baltimore and other Parts of Maryland, which otherwise would naturally be sent to the Philadelphia Market," etc. "The Act passed in the Twelfth year of the Reign of his present Majesty is by no means adequate to the Purposes thereby intended, of opening, amending and keeping in Repair the public Roads and Highways . . . the Petitioners therefore most humbly pray," &c. To the same effect a petition was read December 23, 1774,² "setting forth, that it is a melancholy Truth that a considerable share of the Trade of the Western Parts of this Province hath been of late diverted from the City of Philadelphia (where it is the general Interest of the Province its Trade should center) to Baltimore and other Parts of Maryland." "The reason for this is well known to the House, being the Danger, Expense and Difficulty of crossing the Rivers Susquehanna and Schuylkill."³

One effort, indeed, had been made by the Assembly five years before to do away with the obstacle to trade furnished

¹ Votes, VI, 558.

² Votes, VI, 561.

³ The Chronicle is one of the best papers in which to observe the complaint regarding this loss of trade to the city. During the year 1767 there are several articles by Q. Z., A. B. and others on the subject. Q. Z. in particular says that the trade is going to Baltimore and that roads must be straightened and ferry charges lessened if this evil is to be cured. Somewhat in the line of Q. Z.'s suggestion is the attempt of the Assembly in 1769 to obtain a free ferry across the Schuylkill.

by poor ferriage, but the effort had failed. On January 9, 1769, the Mayor had read to the City Council a message from the Assembly which showed an earnest desire to remedy the evil. The message consisted of the following vote, passed January 6 :¹ "Ordered that Messrs. Fox, Livezey, Pemberton, Chapman, Ashbridge, Pearson and Ross be a committee to inform the corporation that the House is desirous to facilitate and promote the trade of the City of Philadelphia, by making the middle ferry on the Schuylkill a free ferry, or otherwise to appropriate the nett proceeds to the Amendment of the roads, as shall be thought conducive to the promotion of such trade; and to confer with the said corporation respecting the sale of the said ferry to the public." The Corporation appointed a committee, consisting of six members to confer with the Assembly on the subject, but for some reason the meeting was not held. In February the committee of the corporation recommended that the whole matter be postponed until the Assembly was ready to act. That body, in its turn, thought that the city was not eager to do anything, and nothing resulted from the Assembly's action although the effort of each body was significant of the existing need.

Aside from petitions for roads and canals there had been extensive movements for the improvement of river navigation. Ascribed by some to the desire of the wealthy people of the city to deprive the poor of the opportunity of fishing in the rivers, the agitation for the removal not only of dams but of the rocks and sandbars which hindered the trade along nearly all the streams of the colony, continued until action was finally secured. The demand for these improvements in the Schuylkill began as early as 1760. During the French war the safety as well as the trade interests of the interior counties required improved transportation facilities, and in March of that year a petition was presented to the Assembly asking for

¹ Votes, VI, 117.

a committee of investigation. Letters favoring the project appeared in the press¹ and in September the committee reported that something be done. The result was a law providing that the colony would undertake to spend in the improvement of the river all the money that should be subscribed for that purpose and appointing agents to oversee the project.² The work thus begun was continued under a law of February 26, 1773, a new commission being selected to oversee the work which the first had been either unable or unwilling to complete.³ The real impetus to the improvement of river navigation, however, was not given until, as in the case of roads, the trade was felt to be slipping away. Even then the possible benefits were impaired by disputes about the manner of raising and expending the money necessary for the improvements.

Two of the most important acts regarding inland navigation became law March 9, 1771. The first of these declared the rivers Delaware and Lehigh, parts of Neshaminy Creek, and the stream called Lechawaxin common highways, and made provision for their improvement. As in the other cases much of the benefit desired by the petitioners was lost by the provision that the money spent on improvement was not to be granted by the State, but was to be raised by subscription, a

¹ Penna. Gaz., April 3.

² March 14, 1761.

³ Laws of Pa., Carey & Bioren, I, 366; II, 94. See, also, the Schuylkill act of February 26, 1773, C. & B., II, 26.

Another petition for the improvement of the navigation of the Schuylkill was read in the Assembly January 11, 1770. It declared that "your petitioners are of the opinion that if the River Schuylkill was made Navigable from its head branches to the City of Philadelphia, so that the produce of the country lying convenient thereto, may be transported to the Philadelphia market, it would be attended with great advantage to the public."—[Pa. Archives, IV, 360.] This petition was from Berks county. The petitioners considered that the expense should be borne by the merchants or by the province as a whole; they were by no means content with the half and half action of the law of 1761, for little advantage had as yet resulted from it.

commission being appointed to receive and expend all moneys so raised.¹ By a similar act the Susquehanna, Juniata, Conestoga, Bald Eagle, Machanoy, Penns Creek, Swatara, Conne-doguinet and Kiskiminetas were also classed as highways, but in addition it was carefully provided that no money should be spent farther south on the Susquehanna than Wright's Ferry lest the trade of Maryland might be more favored than that of Philadelphia.² In 1773 the Assembly³ offered to expend £1,000 on the improvement of the Susquehanna, again providing that an equal amount must first be raised by subscription and that no money be expended farther south than the ferry as in the former act. It is evident from these petitions and votes that the Assembly had at last become aware of the economic chasm dividing the east from the west and of the influence exerted by Maryland. Western Pennsylvania, indeed, was perfectly willing that the Susquehanna should be improved south as well as north of Wright's ferry.

Another hint as to the commercial relations between the two colonies is given by the excise laws passed in the Philadelphia Assembly.⁴ So long as the tax upon liquors was confined to an import duty, smuggling was an easy method of avoiding this expense. Especially in the interior, it was found easy to evade the regulations because of the many places on Chesapeake Bay where goods could be illegally landed. With the imposition of internal taxation in 1771 it became more difficult to evade the law, and in consequence hard feelings arose against the Assembly which had enacted, and the Governor who administered the objectionable regulations. Attempts to defend the new measure only increased the differences between the two sections of the colony by again making prominent the lack of racial and political unity. "Publicus"

¹ Carey & Bioren, I, 513.

² C. & B., I, 516; Votes, VI, 302.

³ Act February 17.

⁴ March 21, 1772, Tower Coll., IX, 234.

replying to those who said the law was unfair and its administration unjust, contended¹ that the excise officials dared not be unjust, for they were accountable to the Assembly, but this defence by no means satisfied those elements of the population who considered themselves insufficiently represented in that body or who were deprived of the right of suffrage. The officials might be responsible to those who made the law but they were not responsible to those among whom it was enforced. These differences were more vigorously excited by the attack which Publicus made upon the character of the opposition. "Who are those who raise this frightful clamor?" he asked. "They are strangers lately come among us, or Persons long practiced in the innocent frauds of cheating the public of its revenues, or of those who wish to promote the flourishing state of commerce in the neighboring Colonies from their connexions with them more than that of this province, or the poor and illiterate." . . . "They wish the law to be laid on importations so that they can smuggle in from Baltimore." Is not this an additional bit of evidence as to the close relations existing between the north and south, and the lack of such connection between the east and west? To this writer's attack on the more recent immigrants came immediate reply. Publicus had called such people "Birds of Passage," and this designation aroused fierce resentment. "Several thousand inhabitants of this province, who, not having had the honor of being born in it, consequently fall under the opprobrious denomination of 'Birds of Passage,' do present their most respectful compliments to Publicus and return him their thanks (for thinking that they esteem every country where they light as their own) and they further declare their utter abhorrence of those illiberal wretches who would cause distinctions destruction of harmony and universal benevolence between themselves and the children of those who were Birds of Passage before them."

¹ Penn. Gaz., January 13, 1773.

Other evidences are not wanting of the increase in hostile feeling aroused between the two sections by this tax. The "Chronicle"¹ contained petitions from the eastern portion of the colony in which complaint was made that not only was the west allowed to escape its proportionate share of the assessed taxes, but that in both direct and indirect taxation only a small amount of the quota due was collected. In reply attention was called to the large number of properties throughout the west advertised for sale because of unpaid taxes and it was claimed that the great aim of the eastern and wealthier section was to keep the frontiersmen poor and dependent upon the Delaware Counties.² Comparing this attitude with the treatment he was receiving from the south, where efforts were made to accommodate him, the westerner gradually became convinced that prosperity could be attained only by the maintenance of trade connections with Maryland or by the establishment of a government at Philadelphia more regardful of western interests.³

¹ February 8, 1773.

² Lists of such cases are given in the *Pennsylvania Gazette* for October 5, 1769, and July 26, 1770.

³ There seems to have sprung up between Pennsylvania and the South during the early period the same system of illicit trade in liquors that was prominent later. In 1759 [Henning, VII, 265] the Virginia Assembly had imposed an import duty of one penny a gallon on imported liquors coming elsewhere than from England, but in 1769 [*Ibid.*, VIII, 335] the duty on all imported beer and ale was removed. Pennsylvania had an excise tax [Statutes at Large, IV, 308, Act of 1738] of four pence a gallon on all wine and spirits sold within her borders. It was, therefore, much more profitable to smuggle liquors across the line from the South than to import them through Philadelphia. (I have not been able to obtain the laws of Maryland regarding liquors.) In Pennsylvania, January 24, 1772 [Votes, VI, 357] the Assembly approved the resolution of its committee to extend the excise to "all Wine, Rum, Brandy and other Spirits sold or consumed in this Province," private distillation excluded, and for "preventing Frauds in the payment and collection of the Excise."—[Measure passed February 21, Votes, VI, 370], and when it was vetoed the House attempted to carry it by making the act for granting £4,000 dependent upon it. Finally the measures were separated and the Governor yielded.—[March

If there was any such economic connection between western Pennsylvania and Baltimore as the preceding pages would imply, it must have furnished an additional reason for the estrangement existing between Philadelphia and the Susquehanna Valley. Not only would the Germans and Irish be racially united to the population of northern Maryland, but they would be brought into close connection with the city of Baltimore. It would be difficult to say whether Maryland merchants were more democratic in their tendencies than were those of Philadelphia but they could hardly have been less so, and in all that related to England the southern colony occupied a position of more independence than did the northern one. By her original charter Maryland was entirely exempt from English taxation, and in the conflict with the proprietary influence all elements of the colony seem to have been recognized as entitled to equal political rights. There was a social aristocracy at Annapolis, but the Legislature was certainly more amenable to popular influence than was the case in Pennsylvania. At all events, the Pennsylvania farmer considered the Maryland merchant as the one from whom he received money and the southern Assembly as a body which was improving the means by which his produce could be brought to market. So far as he was connected with the Philadelphia merchant, it was only to pay for articles purchased of traders from that city, and the Assembly was in his eyes a body which would neither assist trade by positive measures, protect it by defending the settlements from Indian raids, nor allow the western counties an adequate share in determining the policy of the colony.

In the excitement of 1774 Baltimore was one of the foremost exponents of democracy and resistance. On May 31 a 21, 1772.] The new law laid a duty on imports and provided that officers could search houses to find liquor illegally brought into the province, a provision which seems to have been suggested by the amounts which had been coming across the border from the South.

town meeting assembled and recommended that a general congress, elected from the various counties, should meet in Annapolis and take such action as the occasion demanded. On June 22, ninety-two delegates so elected assembled in that city and took upon themselves the real governing power, although not formally doing so until 1775 (July 26). This action was so nearly duplicated in several other of the colonies that one can hardly speak of Maryland leading Pennsylvania, yet it may safely be said that hers was one of the influences which stimulated democracy and independence in the northern colony and that the growth of the economic connection between the Susquehanna Valley and Baltimore added to the feeling of estrangement existing between the Scotch Irish and the eastern oligarchy. Had race united the inhabitants of the frontier with Philadelphia or had the trade relations with that city been of vital importance there must have been a friendlier spirit between them. When, however, to religious and racial differences we add an economic independence, there can be little wonder that the grievances arising from unprotected frontiers and disproportionate representation caused a determined effort on the part of the aggrieved party to make use of the first favorable opportunity to redress the wrong. Such an opportunity came in 1776, and this hostile feeling between the two sections cannot be disregarded if we are to understand the Pennsylvania revolution of that year.¹

¹ Some of the references to the attempted improvement of trade facilities between east and west either by roads, canals, bridges or the improvement of rivers, are here given and a few petitions and votes are given in full. The references are to the Votes of the Assembly.

V, 221, 495, 504, 515; VI, 21, 30, 119, 134 (this is in regard to bridges), 152-53, 156, 206, 219, 275, 302, 313, 346, 351, 352, 448, 504, 519, 552 (dispute over location of a road), 558, 561, 565-66, 568 (a road to Northumberland County), 570, 572 (a road from the Susquehanna to the Ohio). See also Colonial Records, IX, 651, 657, 703, 731; Pennsylvania Archives, IV, 360, 362.

Many of these references are to road connections within the colony and contain no mention of the Maryland roadway but they serve to show the lack of unity between east and west. The list is by no means exhaustive.

CHAPTER V.

THE CREATION OF A REVOLUTIONARY PARTY IN PHILADELPHIA.

AUTHORITIES.

In the matter of authorities for the history of Philadelphia during the colonial period, it is difficult to draw any distinct line between those references which are valuable for state movements and those which treat of the city. Practically all the references given in the appendix contain material relating to municipal affairs, and secondary authorities particularly are apt to treat city and colonial affairs as one. Among the sources relied upon, special attention may be called to Westcott's History of Philadelphia, as published in the Weekly Dispatch, and now in the Library of the Historical Society of Pennsylvania; Scharf & Westcott's History of Philadelphia, 3 vols., 1884; Watson's Annals of Philadelphia and Pennsylvania, 2 vols., 1857; The Minutes of the Common Council, 1704-1776, Philadelphia, 1847; Marshall's Diary; H. P. Rosenbach: The Jews in Philadelphia prior to 1800, and the volumes by Sharpless and by Shepherd already referred to.

Coincident with the growth of the discontent throughout the Susquehanna Valley there was developing in the city of Philadelphia a spirit of hostility to Quaker domination, only less important than the Scotch-Irish antagonism. Although there was not the feeling of self-reliance among the discontented inhabitants of the city, which was found in the frontier communities, there were bitter rivalries in Philadelphia accompanied by an extreme jealousy of the ruling aristocracy. It may fairly be doubted whether this opposition of the middle and lower classes to Quaker control would, of itself, have been able to make headway against the legal barriers which the sagacity of the early colonial leaders had erected; but, like the German element throughout the west, the Philadelphia populace became a valuable ally of the interior counties in their struggle against the dominant conservatism of the province.

By its indifference to the needs of the Susquehanna Valley the Assembly had not only allowed a profitable trade connection to form between that section and the commercial centres of Maryland, but by its Indian policy and its determination to retain control of the provincial Assembly at any cost, the Quaker majority had changed the feeling of economic indifference prevalent among the newer counties into one of political hostility. In like manner the commercial methods and the social exclusiveness of the aristocracy throughout the east had aroused a feeling of jealousy among the middle and lower classes of Philadelphia. This aristocracy, said Franklin, ruled city as well as colony for its own benefit, and the accusation seemed justified by the restrictions placed upon the voting ability of citizens in both town and provincial elections.

So long as the possession of a fifty pounds personality or of a freeholding was a prerequisite for the exercise of the suffrage within the city, political power remained in the hands of the upper classes, and only the occasional divisions in the ranks of the majority enabled the mechanics and traders to obtain a voice in either city or colonial Assembly. When the rogues fell out just men obtained their dues, said the dissatisfied members of the community, but they complained that the "Junto" rarely divided against itself. With the era of town meetings and extra legal conventions the common people realized their own importance. More than this, they learned how to make their influence felt. The international revolution was their political opportunity and it was at once improved. Certain people declared with John Ross for neutrality in the contest with Britain. According to Graydon, he "loved ease and Madeira much better than liberty and strife,"¹ and said, "let who would be king, he well knew that he would be subject." The masses, however, thought that the revolu-

¹ *Memoirs*, p. 105.

tion would change their state of subjection to one of kingship. Only by understanding this position can we comprehend why the revolution against England, upheld "in its early stages by the most wealthy and respectable in Pennsylvania," was fought to its end by a different class. The Continental Congress may have met in Carpenters' Hall to obtain the support of the trades people, among whom the carpenters had the best organized union. Paine may have made the American cause popular by bringing it down from a constitutional to a common sense level. But this was not enough. Unless there had been internal discontent it is doubtful if hostility to England, aroused by a sense of financial loss, would have continued after its financial occasion had been removed. Especially evident is this truth when we consider that the taxation gains were to be spent in America, and would be collected chiefly from the well-to-do. The argument advanced by Paine would serve as well against the provincial government of Pennsylvania as against the government of George III., and it was because the mechanics had no confidence in either, that "Common Sense" was so effective. An eye witness of the movement of 1776 considered it "scarcely necessary to mention, that the spirit of liberty and resistance drew into its vortex the mechanical interest, as well as that numerous portion of the community in republics, styled The People; in monarchies, The Populace, or still more irreverently The Rabble, or Canaille." He did not think that this easy conquest by the spirit of liberty was due to any hostility of the people (except the Irish) against England. "The opposition to the claims of Britain originated with the better sort. It was truly Aristocratic in its commencement . . . and among the lower ranks of the people . . . the true merits of the contest were little understood or regarded."² By liberty the

¹ Graydon, p. 107.

² Graydon, p. 119.

people meant freedom from oligarchical rule within the colony, or, to quote Graydon once more, "anarchy since hallowed by the phrases of Equality and the Rights of Man."¹ Leveling principles were popular in Philadelphia, and were more influential in securing the overthrow of Quaker government than was the lukewarmness of the Friends in supporting military resistance. Indeed, the jealousy was evident within the army itself. One company of the associators, recruited from the higher classes, was called by the populace the "Silk Stocking Company," which showed, says Graydon, how "the canker worm jealousy already tainted the infantile purity of our patriotism."

As early as 1701 the Quakers had felt the danger of giving political equality to the masses. At that time immigration consisted largely of convicts and paupers from England, many of whom settled in the city. Although these newcomers were much superior to the convict class of to-day, the Friends had no intention of being ruled by them, and therefore Philadelphia was given but two representatives in an assembly of twenty-six, and the suffrage requirements were placed so high within the city that only the wealthier citizens could vote for those. Since the same qualifications held for city as for state elections, both Council and Assembly were really controlled by the higher classes, and the people claimed that no legislation favoring middle class interests could be obtained. Especially was this complaint made against the city government which the merchant aristocracy was said to rule in promotion of private ends.²

¹ P. 107.

² The following resolutions of "a number of Tradesmen," appeared in the *Pennsylvania Gazette*, September 27, 1770: "It has been customary for a certain company of leading men to nominate persons and *settle the ticket* for assemblymen, commissioners, assessors, etc., without even permitting the affirmative or negative voice of a mechanic to interfere, and, when they have concluded, to expect the Tradesmen to give a sanction thereto by passing the ticket; this we

One example of favoritism was repeatedly cited—the regulations adopted regarding vendues or auctions. This custom of selling commodities at auction was not peculiar to Pennsylvania, but in no other colony did its regulation excite greater antagonism between the various classes. Those who opposed the practice claimed that under the guise of selling goods to the poor more cheaply than they could be purchased of the regular merchants, designing men made these gatherings in reality places of rioting, and that the auctioneers fleeced the people instead of aiding them. In 1726 the yearly meeting of the Quakers protested that the managers of a vendue collected a number of people at their sale, and by a free distribution of liquor excited the bystanders to a spirit of rash bidding, and thus obtained exorbitant prices for the goods sold. In order

have tamely submitted to so long that those gentlemen make no scruples to say that the Mechanics (though by far the most numerous, especially in this county) have no right to be consulted, that is, in fact have no right to speak or think for themselves. . . . We have as cautiously avoided putting the name of a Mechanic in our ticket for some years past as we could have been in putting in that of a Jew or a Turk.

“But I would beg leave to ask have we not the same privileges and liberties to preserve or lose as themselves? Have we not an equal right of electing or being elected? If we have not the liberty of nominating such persons whom we approve, our freedom of voting is at an end, and if we are too mean a body to be consulted upon such a weighty an occasion, our ballot is not worth throwing in on the day of election. . . . I have heard it often asserted that better and more wholesome laws were made in those times when men were elected for their uprightness and stability than those that have been made of late, since men have been elected on account of their *greatness* and *opulency*.”

“Are there no ingenious, cool, sensible men well acquainted with the Constitution and lovers of their country among the Tradesmen and Mechanics? God forbid!” The writer then argues that such men are of reason better acquainted with the desires of the people, living as they do among them, and that electing wealthy men only increases their power in society. “Let us reflect on the distress our parent country has brought not only upon herself, but on her American children through the same misconduct. It behooves us to be tenacious of such privileges, and by no means give up our liberties for the sake of a few smiles once a year,” etc.

“A BROTHER CHIP.”

to remedy this evil the Assembly in 1729¹ provided for the appointment of vendue masters by the governor on recommendation of the mayor, recorder and aldermen of the city; that the persons so appointed should give bonds of not over five hundred pounds for the faithful execution of their duties, and that no persons, except the vendue masters, should be allowed to sell or to expose for sale by vendue or auction, in Philadelphia, any goods under penalty of fifty pounds forfeiture. It is almost impossible to ascertain the justice or the injustice of this measure, but it seems reasonably certain that, unregulated, the system did promote occasional disorders.² The efforts of the merchants to restrain the practice still further would seem to indicate that vendues continued to cut into their trade, and the favor in which the system was held by the popular element would correspondingly indicate that auctions frequently lowered the prices of commodities.

In 1741 the merchants endeavored to obtain from the city council an ordinance which would prevent the sale of goods in small quantities even by the vendue masters. "The public vendues as now managed, by vending and retailing goods, wares, and merchandise in small quantities are very prejudicial and a great grievance to the trading part of the inhabitants of this city," said the merchants, and in response to their petition the council ordered "that the vendue masters for the future

¹ Statutes at Large, IV, 141.

² The law of 1729 applied only to the city, and in 1743 a petition was sent to the Assembly from Chester County in which complaint was made that the profuse quantity of spirituous liquors given to the people in attendance, not only caused "poor people to give extravagant prices for unnecessary things whereby families were much oppressed and sometimes ruined," but also produced "swearing, quarreling and other scandalous enormities." In 1752 also the vendue masters complained that in the Northern Liberties, a district distinct from the city proper, unauthorized vendues were set up "where goods were disposed of in small lots to the injury of regular vendue masters and of citizens."—See Westcott's *History of Philadelphia*, Chap. 132, from which many of the facts in the narrative are taken.

do not sell any goods at vendue under the value of forty shillings except wearing apparel or second-hand goods and such goods as are excepted by the law regulating vendues."¹

This was a step in advance, but the merchants were by no means satisfied while wearing apparel was excluded from the ordinance of the council or while the regulation affected the city alone. Quite large districts, really a part of Philadelphia, were under a separate jurisdiction and the merchants wished a state law. In 1752 it was urged in a petition to the Assembly "that at present the vendues being no other than retail shops and held in public places are very injurious to all regular dealers, whether mechanics or shopkeepers."² From this it is easily seen that the rivalry was felt by the merchants although we can only surmise the effect of that rivalry upon the prices paid by the consumer.

No further advantage was gained by legal enactment, however, and in 1770 the merchants endeavored to overthrow the auction system by other means. In April the shopkeepers agreed that they would purchase at vendue no lot of goods sold for less than five pounds except merchandise which, because of its bulk, could not be handled in high priced lots. Woolen goods must be sold by the piece as imported and iron goods in packages of not less than a dozen articles. They further agreed to boycott all vendue masters who sold goods to persons not signing this agreement or who bought merchandise in violation of the compact. Put in modern terms, this action was nothing else than the formation of a trust. All small sales, except by the regular dealers, were virtually prohibited for no vendue master dared to offend the class which controlled the politics as well as the trade of the city. At once protests came from the poorer citizens and an outcry arose against the monopolistic tendencies of the commercial

¹ Minutes of the Common Council, 1704-1776, p. 410.

² Votes, V, 206.

aristocracy. The importance of these protests is witnessed by the fact that in spite of the violence attendant upon the tea episode in 1773, this anti-trust clamor retained its reputation as a climatic outburst down to the revolution.¹

Notwithstanding these restrictions, the sales by vendue continued to disturb the merchants. In 1772 the agitation was renewed and articles for and against the system were frequent in both press and pamphlet literature. Among others, "Probus," "J. M. H." and "Probitas" published tracts in the newspapers and many of their fellows sent petitions to the Assembly. The auction rooms were said to be the resort of idlers and that "inasmuch as the names of persons sending goods to the vendue master were never publicly known, fraud and dishonesty were encouraged and much money went out of the province to people of other colonies sending goods to this metropolis for sale." This last argument appealed especially to the jealousy of Baltimore prevalent among the Philadelphia merchants. If the southern city had succeeded in winning the western provincial trade from Philadelphia, its merchants must not be allowed to take the money nor to interfere in the business of the eastern counties. In response to this sentiment, the Assembly passed a measure more closely regulating the auction system,² but the governor, either because he considered the practice a benefit to the community, or because he regarded the vendue masters, appointed by himself, as entitled to his protection, refused his assent to the proposed legislation and the practice continued as before.

In one business there existed a bar to the introduction of vendues. Down to 1772 bookselling seems to have been a strict monopoly. When Robert Bell petitioned for the privilege of selling books at auction³ he was promptly opposed by

¹ Penna. Gaz., Sept. 7, 1774.

² Votes, VI, 449.

³ Votes, VI, 369.

the six other firms of the city and for two years he was unable to secure the privilege. The general system, with its accompanying restrictions, appears to have been retained until 1777 and whatever may have been the merits of the dispute or of the disputants, the controversy served to intensify the jealousies and hard feelings already existing between the two sections of the community.

Another grievance against the merchants was found in the system of itinerant trade prevalent throughout the colony. At the same time that the Assembly had attempted to regulate vendues, it had also declared that all pedlars dealing in goods not the product of the colony should be licensed and placed under close supervision.¹ Under cover of this statute it was claimed that the merchants, as in the case of auctions, endeavored to monopolize the trade of the colony for their own benefit. Not only did the license fees (15 to 25 shillings and a bond of 40 pounds) tend to raise prices, but their control of the governmental machinery, so it was urged, enabled the merchants to prevent other than their own representatives obtaining a license. Thus, under pretext of obtaining compensation for the license fees, the monopolists were enabled to raise prices as high as their own interests demanded.² Throughout the west these complaints were not so numerous, for there the eastern mercantile interests did not control the local machinery of government nor was it possible to prevent evasions of the law, but in the east this grievance, if we may judge from the grumbling of the people, was severely felt.

Such opposition as was caused by measures of this character may be called business hostility. In the social world dissensions were no less marked. Much might have been done socially to conciliate many of the mechanics and small

¹ Statutes at Large, IV, 141.

² For such complaints as these, see the Pa. Gaz. of January 23, February 6, and August 19, 1772.

tradesmen but no attempt in this direction seems to have been made. Economic oppression, either real or fancied, alienated the men, and social inequalities alienated their families. Thus, to the opposition of what Graydon called the Canaille, was added the discontent of the middle classes.¹ In the social world the lines were strictly drawn. "The dancing Assembly among the gentry had high vogue," said Watson,² "partaking, before the revolution, of the aristocratic feelings of a monarchical government and excluding the families of mechanics however wealthy." So far indeed had the jealousy of this so-called gentry and aristocracy gone that suspicions were entertained against any proposition emanating from them. In particular instances the opposition aroused seems almost ludicrous in its character. Close examination was given to the most commonplace measures introduced into the legislature, for only by such attention, it was claimed, could the ring-ruled Assembly be prevented from enacting class legislation.

An instance of the suspicion of the ruling authorities is found in connection with the colonial fishery regulations. As early as 1763 measures had been passed by the Assembly regulating the catching of fish in the streams passing through the colony, but they were not to become operative until the neighboring provinces, bordering upon the same rivers, had taken similar action. By 1769 the necessary legislation had been enacted in New Jersey, Delaware and Maryland, and, accordingly, the governor issued a proclamation declaring the

¹ Another example of the jealousy with which every action of the merchant classes was regarded may be seen in the clamor aroused in June, 1773, over the erection of additional markets. It was proposed to build them between Third and Fourth streets in Philadelphia, and the cry at once arose that such additions as those proposed would still further concentrate trade in the hands of a few and thus put "the people's liberties in danger of being swallowed up." Not one large market but several small ones, was the popular demand. As is the case in our own day, the cry was raised that small shops were in danger of being driven out of existence.

² Archives, II, 276.

acts of 1763 in force.¹ Under these acts the use of nets, dams, baskets and all other methods of fishing which in any way interfered with the free navigation of the rivers was forbidden under penalty of twenty pounds fine or six months imprisonment. This act was considered by the masses as aimed at their right to fish and it was very unpopular. In defiance of protest it was followed, in 1771, by an act for the preservation of rock fish, oysters, etc. The publication and enforcement of these regulations excited much opposition and it was urged that in default of votes by which they might influence legislation, poor people must have recourse to arms if they wished to obtain their due share in the privileges enjoyed by the rest of the community.² A benevolent oligarchy would care for all classes of the people, and if the conservatives who controlled the province of Pennsylvania would not do the same then they had no just claim for a continuance of their power. Other people ought to be given a share in the government.

Among other pleas in behalf of the non-voting classes, one may be given from the Gazette of June 7, 1770: "The many elaborate performances lately circulated in the public papers have probably in some measure gained the attention of great numbers in the American Colonies to the great cause LIBERTY. It may, therefore, be acceptable at this time to see something further offered on that subject which has not been generally taken notice of. As Liberty is one of the greatest temporal blessings, it ought to be preserved sacred and inviolable in preference to all other considerations. If this was generally our sentiments and practice, it would doubtless very much advance the common cause, if we could tell our superiors that we ask no more than we give. . . . Altho Foreigners coming into an English Government with

¹ Archives, III, 347.

² Pennsylvania Gazette, April 4, 11, and August 15, 1771.

mercenary views may not be entitled to all the privileges of English subjects yet surely the case is very different respecting those brought among us against their wills. Have they not a right to enjoy their Birth-rights in their native land or in the Government where they are placed? Should they be taxed without their consent and without being represented? Should they be tried for crime otherwise than by their peers or at least without a jury (two mighty points of complaint in our own case)? Is it reasonable to separate the families of such and take the profits of their labor for the purpose of raising a Revenue for ourselves and for our children? It may be worthy of consideration whether we have a better right to lay impositions on them we esteem our inferiors than the Parliament of Great Britain have, for what they have done to us? If upon a serious and impartial examination we find that we have in any degree violated the sacred principles of Liberty let us ingenuously acknowledge our mistakes and do everything in our power to restore that invaluable blessing to all we are concerned with, which may be a means of inciting our superiors to act on the same principles and render us more acceptable to him who 'made of one blood all nations of men' and now commands 'all things whatsoever ye would that men should do to you do ye even so to them.' A Friend to Liberty."

As in the case of the controversy regarding auctions or merchant pedlars, the blame may be placed in accordance with our sympathies or judgments. Nothing, however, is more certain than that in these and other like ways dissensions were being aroused within the city and that they played an important part in later colonial history.

The charges against the aristocracy as a class controlling legislation and trade, with eyes intent upon their own interests alone, were reinforced by attacks made upon the lawyers and upon particular individuals among the gentry. It was

urged that when an ordinary person had a just claim against the government he could obtain redress only by sharing that claim with an influential lawyer or merchant. If his case was a just one the plain citizen would be approached by some person of influence and told that no redress could be expected. Then a professedly benevolent gentleman, pitying his misfortunes, would offer the claimant immediate pecuniary relief and take the chances of ever being reimbursed. Having thus deceived the original claimant and secured the rights in the case for himself, the new holder of the claim by merely presenting his case to the officials or by a deal with the assemblymen would at once obtain full redress and the profits of the transaction would be shared among the participants in the deal.¹

The leaders of the Assembly professed to believe that all opposition came from the mob element. Against this charge the mechanics and tradesmen protested. They had grievances as well as the lower classes, but they differed from that element in that they would not descend to violent measures in support of their claims. One of these protests, printed in the Gazette of August 19, 1772, read as follows :

"To the printers of the Pennsylvania Gazette :

"Gentlemen—A number of respectable Tradesmen, Mechanics, etc., freemen of the City and County of Philadelphia having been severely censured for these two or three years past, especially at the two last annual elections of Representatives, . . . for no other reason but acting according to their judgments, and it having been urgently represented that their intention was to oppose the old and established friends to this government and to introduce innovations, . . . you are therefore requested to communicate to the public . . . the following fundamental articles unanimously agreed to by a

¹ *Pennsylvania Chronicle*, August 23-30, 1773.

society composed of the aforesaid Tradesmen, Mechanics, etc., and now called the *Patriotic Society*. 'Whereas, we, the subscribers Tradesmen, Mechanics and Freemen of the City and County of Philadelphia have heretofore been connected with divers others of our Fellow Tradesmen of the said City and County in good fellowship and harmony with a sincere and upright intention of assisting by all prudent and lawful ways and means, our fellow inhabitants of the Province of Pennsylvania in support of our just rights and liberties as by law and the charter of the province established, and for preventing any innovation, infringement or violation of the same, *or any venal or corrupt practices to obstruct the freedom of voting at our annual elections* . . . we have thought expedient to enter into a more firm and established Union in order (as much as in us lies) to effect the above said good purposes *and upon any emergency, others of a similar nature*. We do, therefore, unanimously agree :

" 'I. That we will consistent with the good faith of true and legal subjects of George III., King of Great Britain, etc., endeavor to promote the Good and Welfare of the said King his person and Government *and our fellow subjects*, and preserve inviolate our just Rights and Privileges to us and our Posterity against every attempt to violate or infringe the same, either here or on the *other side of the Atlantic*.

" 'II. That we will jointly and unanimously endeavor to support the happy form of government granted by charters to this province and especially the inestimable privilege of chusing our own Representatives and other officials by ballot, unbiased and uninfluenced by any other motive than esteeming the several candidates uncorrupted and disinterested, having the preservation of the Liberties and Privileges of their constituents at Heart.

" 'III. That we will not let the fact that a measure is proposed by a person outside our Society influence us. . . .

“ ‘IV. Neither any private pique or animosity. . . .

“ ‘V. That the majority of the Society shall prevail if not altogether agreeable to our private sentiments. . . .

“ ‘VI. That debates of the Society on subjects and persons shall not be divulged.’ ”¹

In spite of such protests by the middle classes, there can be no doubt that means less reputable than caucuses and resolutions were adopted to overawe the aristocratic faction, and when the Continental Congress gave the sticklers for legality an opportunity to unite, there was little difficulty in forming a coalition. At least as early as 1770 there had been assertions of power by the poorer classes² and the conservatives in Philadelphia attempted to detract from the influence of the Massachusetts delegates to the Continental Congress by representing them as “wholly dependent on popularity with the lowest vulgar for a living.” This element came into great prominence at the time of the excitement regarding the tea ships, and while the majority of the middle class sided with the mob in their opposition to the landing of the tea, it is doubtful whether a fear of violence was not the controlling motive in the minds of some among the merchants. Thus, when “Pacificus,” in the *Pennsylvania Gazette* (September 22, 1773), spoke of the dissensions among the people, the rapid growth toward turbulence and malignancy, and asked for “a meeting of the moderate, sensible and reputable freeholders and electors of this City without any distinction of party,” to choose representatives and decide upon the method of action to be taken in that time of emergency, many protests were at once heard. In the *Chronicle* (September 20–27) “Mechanic” asserted that it was only through necessity and fear that the merchants and aristocrats were found supporting any popular movement. It was because America had been so thoroughly

¹ *Pennsylvania Gazette*, August 19, 1772.

² *Amicus Publici*, in the *Gazette*, December 20, 1770.

aroused to the injustice with which she was treated and because the "Junto" feared that it would be overwhelmed unless it took the side of that people, that the Aristocrats showed symptoms of vigor. "When vermin begin to croak we may conclude that the rays of the sun have become favorable to their approaches and when we see scouting parties from the 'Cupboard Club' crawling forth from their dark ambushes under the disguise of 'Friends of their Country,' 'Lovers of Concord,' etc., we may rationally argue that the State is in danger." Beware how such leadership be accepted, was the burden of the popular clamor. No good will come to the city or colony so long as these people lead, for their real object is to retain their leadership. With what seems a striking prophecy of the events in 1775 and 1776, the writers urged that unless the aristocrats could retain their position of leadership they would not advocate any decisive measures. "Pacificus dreading the consequence of another struggle which might prove fatal to his hopes and wishes, steps forth under a mask, begs a truce and a Congress in order—it is imagined—to deceive and cajole the honest freemen and freeholders" (*i. e.*, the voters) "into some measures whereby the 'Junto' may regain that power and influence which they are losing with regret and used so ill." . . . "One caution, therefore, only remains and that is that they [his fellow townsmen] would beware of the 'Junto' and all those whose pride and affected dignity place them above the reach of their instructions and render them callous to those tender feelings that men of a middle rank will always have for their constituents."¹

¹In line with the caution of "Mechanic" was the following from the Gazette of September 22, 1773, in regard to the election for Assemblymen. It was signed "Citizen," and prayed that representative men be chosen "to counterplot the tyrannical schemes of a wicked and corrupt ministry whose emissaries or men influenced by the same spirit are not scarce among us." . . . "Men who would be fond of representing you, not to do you real service, but for their own

So severe were these feelings of jealousy and dislike of the upper classes that even when the merchants refused to accept the tea which had been consigned them it was asserted that the threats of the town meeting had been the real cause of their action. That gathering of over eight thousand men resolved that a committee be appointed to see those merchants to whom the tea was assigned and to induce them to resign their positions,¹ and of Wharton's action the Chronicle, in its issue for the same week, remarked: "The printer of this paper thinks it incumbent on him to mention, on this occasion, that Mr. Thomas Wharton Sr. prudently took the HINTS that have been given him and hath actually made a *decent renunciation* of his dangerous and disgraceful office of tea commissioner so that he is now despised somewhat less than he used to be,—and at the same time the printer hopes he will not

emolument, despise you; these say: it is time the Tradesmen were checked—They take too much upon themselves. They ought not to intermeddle in State affairs. They ought to be kept low. They will become too powerful. When gentlemen of character and in office among us can dare to express themselves to this purport, men whose ancestors two generations ago were on an equality with some of the meanest of us, what may we expect? *The laborious Farmer and Tradesman* are the most valuable branches of the community and have for ages been the support and barrier of liberty as their patrimony and greatest riches and in this case are people of the first consequence," . . . "Every election should be considered as voting in a new Assembly. The consideration that such or such a gentleman has represented us for several years is vague in itself. Let us consider what he has done (for it is vain to fill the house with ciphers)." . . . "I doubt not that you will conduct yourselves with spirit, moderation and candor; and display to your adversaries that men who *in the sweat of their brows eat their bread* are capable of sound judgment and prudence." The jealousy of the so-called "Junto" is also well seen by an article from the Chronicle of October 11-18, 1773, in which Wharton is attacked as follows: "We hear that Thomas Wharton Sen. commonly called the Marquis of New Barrataria, formerly one of the printers of this City (but generally officiated in the character of Devil in the office he was concerned in) . . . is appointed an agent of the East India Company for the sale of their teas in America so that if the inhabitants of this City sacrifice their birth right for a sup of tea this agent may become (what he hath often prophesied) a very great man indeed."

¹ Gazette, October 20, 1773.

for the sake of rendering this single virtuous act the more conspicuous let it stand alone."

Those members of the Aristocracy who were not merchants were usually lawyers, and for these the populace had, if possible, a greater dislike than for the commercial classes. Especially if they had been educated abroad, the popular feeling was that they had lost their community of interest with the colony, and particularly with those who had not the advantage of wealth, high birth or political influence. Thus in an address to the voters in 1772,¹ concerning their choice of representatives, "A. P." warns them not to choose "weak men, awkward speakers, hypocrites, beggars, placemen, and, above all, do not choose a lawyer." . . . "They are generally pricking fellows, maintainers of false suits, accustomed to let out their tongues and talent for hire, to call good evil, and evil good, to defend guilt and declaim against innocence, just according as they are paid by their employers. A man that hath no other standard of right or wrong than the largeness of the fee he receives from his client is certainly a very improper person to be intrusted with the Safety of a State or the honour of a Province."

This distrust of the aristocracy continued until the revolution itself. In the Evening Post of April 30, 1776, "A Tradesman" declared that the reason merchants opposed independence was because they had formed "a family compact of Pennsylvania." "They get all the profit and will soon reduce and control the people as the East India Company controls Bengal." "They have protested against and denied the authority of the patriotic committees who try to keep prices down." "They have openly said they would fight rather than agree to independence, and that the patriots of the State ought not to complain if they are finally hung."

To counteract the influence of the merchants, trade guilds

¹ Gazette, September 22.

were formed and efforts were made to lower the suffrage requirements in the city. Petitions were also presented to the legislature for admission to the hall of Assembly at all times, "as is the custom of the Hon. House of Commons in Great Britain and elsewhere in his Majesty's Dominions,"¹ but they were usually refused. In 1774,² as a partial concession, the Assembly voted that at times outsiders might be admitted, but whenever it was urged that such a time had come the motion to admit the people was defeated.³ Efforts were also made to increase the representation of the city in the Assembly, but unless all people were allowed to vote such a concession would only increase the conservative power, so that this proposition received little radical favor, and not until the question of suffrage qualification was satisfactorily determined did the radicals in the city and in the west unite on the question of increased representation.

With the rise of the revolutionary spirit throughout the colony came the committee and convention system, in which, as in the town meeting demonstrations, old methods of suffrage were discarded. Full suffrage became regarded as of great importance. "For these seven years past," remarked a writer in the *Evening Post*,⁴ "the aristocrats have not condescended to look on the ordinary person except at election time." "Be freemen and you will be companions for gentlemen annually." But if the popular forces had not been able to vote "for these seven years past" their discontent had been made effective through the use of extra legal methods. In the associators they at length found the means of making their will felt in the community, and the effect of that movement can be seen by tracing the responses which the Assem-

¹ February 25, 1764, Votes, V, 320.

² October 19, Votes, VI, 550.

³ *e. g.*, March 4, 1775, Vote of 18-13.

⁴ April 27, 1776.

bly made to the suggestions of the military. With the radical leaders supported by the Continental Congress, by an almost solidly democratic sentiment throughout the west, and an equally strong sentiment among the masses in the city of Philadelphia, there is little wonder that the Quaker Counties could not resist the democratic movement of 1776. It is a mistake, however, to reckon the beginning of this movement for independence in Pennsylvania with the coming of the Continental Congress, or with the intrusion of any outside influence. As the racial, religious and economic differences had existed between England and America for a century before the declaration of independence, so the same differences between eastern and western Pennsylvania existed long before the overthrow of the Assembly and the Charter Government. As the riotings and demands of the populace in England gave evidence of a smouldering discontent with the suffrage laws long before the passage of any reform bill, so the dissatisfaction with the eastern oligarchy in Pennsylvania existed long before the grant of universal suffrage under the Constitution of 1776. The colonial revolution in Philadelphia, and in the colony at large, would have occurred had there been no national movement, but the latter uprising furnished the opportunity and suggested the means of accomplishing the change.

CHAPTER VI.

THE OPENING OF THE CONFLICT.

AUTHORITIES.

The best secondary accounts of the Indian troubles at Conestogoe are in Shepherd, *Proprietary Government in Pennsylvania*; Sharpless, *A Quaker Experiment*; Gordon, *History of Pennsylvania and the County Histories*. The sources on which these accounts rest are the Votes of Assembly; the official correspondence of the colony, and the newspapers and pamphlets of the period. The best list of pamphlets is in Hildeburn, *Issues of the Pennsylvania Press*, although it does not include everything bearing on the subject. The following are among the most important contemporary discussions:

An Historical Account of the Late Disturbance between the Inhabitants of the Back Settlements of Pennsylvania and the Philadelphians. Phila., 1764.

The Plain Dealer or a few Remarks upon Quaker Politics and their Attempt to Change the Government of Pennsylvania. Phila., 1764.

The Quaker Unmasked or Plain Truth. By David James Dove, Phila., 1764.

A Battle, A Battle, A Battle, A Squirt, Where no Man is killed and no Man is hurt. Phila., 1764.

The Quakers' Address Versified. Phil., 1764.

King Wampum or Harm Watch, Harm Catch. Phila., 1764.

In Defence of the Quakers.

The Quakers Assisting to Preserve the lives of the Indians in the Barracks vindicated. Phila., 1764.

A Looking Glass for Presbyterians. Phila., 1764.

A Dialogue Containing Some Reflections on the late Declaration and Remonstrance of the Back Inhabitants of the Province of Pennsylvania. Phila., 1764.

A Letter from a Gentleman in Transylvania to his Friend in America. By Isaac Hunt. New York, 1764.

The Substance of an Exercise had this Morning in Scurrility Hall. By Isaac Hunt. Phila., 1765.

The Paxtoncade. A poem. Phila., 1764.

In Defense of the Quaker Action at Paxton Massacre. Phila., 1764.

A Serious Address to such of the Inhabitants of Pennsylvania as have con-
vined at or do approve of the late Massacre. Phila., 1764.

Remarks on the Quaker Unmasked. Phila., 1764.

A Declaration and Remonstrance of the distressed and bleeding Frontier Inhabitants of the Province of Pennsylvania, presented by them to the honorable the Governor and Assembly of the Province, shewing the Causes of their late Discontent and Uneasiness and the Grievances under which they have labored and which they humbly pray to have redressed. Phila., 1764.

A narrative of the late Massacres in Lancaster County of a Number of Indians, Friends of this Province by Persons Unknown, with Some Observations on the Same. Phila., 1764.

No better accounts of the Proprietary-Crown conflict will be found than those given by Shepherd and Sharpless, and the merits of the two parties may be well studied in the writings of Franklin, Galloway and Dickinson. These authorities, with the press and pamphlet literature of the time have been the author's reliance.

From our review of conditions in Pennsylvania we should expect to see the two opposing forces, one radical the other conservative, coming gradually into conflict. Into this opposition each party had been forced by the logic of events, for each sought its own advantage and the opposing forces had few common interests. At first the conflict centred about the governor. The Quakers saw in him the most formidable bar to their complete control of the colony, but although the frontiersman had little love for the Penn family to which his rent was payable, he had still less affection for the Quakers who would not aid him against the Indians. Thus, as individuals, the Scotch-Irish opposed the governor, but as a political party they rallied to his support. The definite alignment came in 1764, when the Friends endeavored to regain the ascendancy lost during the war with the French.

At the conclusion of the peace of Paris, the affairs of the colony were in confusion and the future division of parties was not easily foreseen. Before then the westerners had wrangled with the proprietary concerning the possession of the lands on which they had settled; with the Assembly at Philadelphia concerning their titles to land over which Indian tribes wandered, and with the French concerning the right of their respective governments to the whole territory. The Assembly had quarreled with the proprietaries as to the amount of

taxation which the lands of the Penn family should bear, and with New York, Virginia and Maryland as to their respective boundary lines.

[An added source of confusion was the royal proclamation of October 7, 1763, which forbade the colonists to settle on the lands newly conquered from France, and which even reserved some territory on which settlements had already been made. By this proclamation¹ the western portions of the territory taken from France were divided into royal provinces, and between them and the Atlantic slope a large tract was reserved for the Indians. At once the Quakers in the east and the Presbyterians in the west found a reason for union against England, although they continued to disagree in colonial politics. The westerners were dispossessed of lands on which settlements had already been made, and of the prospects of extending those settlements. The easterners found their plans for land speculation balked and their Indian trade menaced. Before the peace had been proclaimed the Philadelphia merchants had learned that England would not this time as formerly abandon her American conquests for compensation in Europe, and they had formed companies for the purpose of buying Indian claims, or securing royal concessions of land to be resold at a considerable profit.²

While both colonial factions were angered by the English proposal, the frontiersmen found in the declaration an additional cause for disliking the Quakers. Some affected to believe that the English policy of exclusion was the result of the attitude taken by the provincial Assembly in refusing to support war measures. The eastern commercial ring had been so eager to remain on good terms with the Indians, and thus be in a position, whatever the outcome of the war, to

¹ Published in the *Pennsylvania Gazette*, December 8, 1763.

² Among other such companies were the New Wales Company and the Vandalia Company. See their advertisements in the press of April, 1763, and the *Correspondence of Wharton*.

obtain favors from them, that they had aroused the hostility of the Crown toward the colony, and as a result a valuable strip of territory which might have been secured was lost. Others asserted that the project of a neutral zone originated with the Quakers. At the time of General Braddock's expedition that denomination had tried to persuade the English commander to make peace with the French and to leave neutral ground between the two nations on which the Indians might live in peace.¹ Here was where the British government obtained the idea of a neutral zone; and when the same party was found urging Crown government for the colony, it was claimed that the land speculators were seeking in this contemptible manner to curry favor with the English authorities that they might secure an entrance in spite of proclamations into the reserved lands. The Quakers, however, asserted that it was the fault of the proprietary that the right of settlement had been taken away and urged their own losses in proof of their innocence.

This attempt to fix responsibility for financial loss, with the dangers expected from Indian settlements on reserved territory, led to a double conflict: First, a determined attempt was made by the rulers of the Assembly to throw off the proprietary authority altogether. This project was actively - opposed by the Presbyterians of the east, led by Dickinson, and was fought with unreasoning hostility by the west, which opposed everything which the Quaker majority favored. The second struggle was that of the frontiersmen to control the

¹ The proposal had made the Virginians very angry at the time, for the land which was to be left free to the Indians was that which Quaker merchants had already purchased from the Indian tribes, and they would in this manner have had their title secured. See *The Expedition of Major-General Braddock to Virginia*, . . . being Extracts of Letters from an Officer to his Friend in London. There is an amusing comparison of the "fat, well-fed Quakers" and the "lean, half-starved Virginians," which illustrates the popular opinion regarding the two groups of settlers.

Indian policy of the colony in spite of any sentimental considerations which might be held by the east. The first battle was fought in both press and Assembly and resulted in Franklin's mission to England with a petition that the Crown would assume all governmental powers of the proprietors. The second was fought in the press and in the field, and resulted in the Conestogoe massacre and an organized if not a victorious west. Both contests must be regarded as the occasion or, perhaps better, the expression of a sectional and religious hostility that could no longer be restrained. The proprietary struggle engaged the leaders of political thought throughout the colony and was the beginning of the end of Quaker government. From the settlement of the colony the eastern counties of Philadelphia, Chester and Bucks had controlled the Assembly as against any opposition which the western interests could arouse, and it was only as the proprietor supported that section that any restraint could be placed on eastern domination. Of late certain actions of the extreme party in the Assembly had alienated some of the more fair-minded residents of the eastern counties, yet the commercial aristocracy, by admitting the wealthier Germans into their councils, had retained control.

Of this extreme party Galloway was the recognized head. During the later period of colonial history he was almost invariably elected speaker of the house and against him the bitterest attacks of the opposition were directed. Unquestionably an able leader, possessed of that faculty of organization which accomplished so much in American colonial history, it would be unfair to assert that motives of personal advantage were the cause of Galloway's activity at this time, and yet no one would have gained more by the change to Crown government than he. It may, however, be fairly urged that Galloway was a firm believer in the necessity of colonial union and that, in a common subordination of all the colonies to the

Crown, he saw the first step toward the realization of that project.

Second to Galloway in nominal leadership but superior to him in ability was Franklin. Concerning his motives, much the same arguments may be advanced, and were advanced, as in the case of his fellow. As Galloway was accused of desiring a change only that he might be prime minister of the colony, so Franklin was accused of desiring the position of Crown agent.¹ On the other hand, as Galloway claimed that the Assembly should be the real as it was the natural representative of colonial interests, so Franklin wrote to Strahan: "Our petty public affairs here are in the greatest confusion and will never, in my opinion, be composed while the proprietary government subsists."² One argument was urged by the Crown party which all must recognize as valid. No proprietor having large holdings of land within the province could be expected to advance the general interests of the colony at the expense of his particular interests as a landholder. The proof of this argument was found in the careful guarding by the governor of the proprietary lands from equitable taxation.

Opposed to the Crown party were two groups favoring the continuance of the existing order. The larger group was in the west. Disregarding the relative merits of Crown and proprietor, the westerners knew that from the legislative ring they had received unfair treatment in the past, and without particular love for the Penn family, they were solidly opposed to any extension of oligarchical rule. Theoretical as distinct from practical argument was furnished by Dickinson and the eastern wing of the proprietary party. This portion of the opposition was composed of certain Philadelphians who felt that the interests of neither city nor colony would be advanced through an extension of the power already possessed by a

¹ Penn Letter Book, Vol. VIII; Letters of Thomas Penn, June 8 and 13, 1764.

² Works, Bigelow Edition, III, 248.

minority. Their argument was in brief that, although proprietary government had not been perfect, Crown control would be worse. The Crown had better means of corrupting the Assembly than had the proprietor; Crown government in other colonies had been worse than their own experience, and the Assembly when supported by the whole colony had thus far never failed to bring the proprietary to terms on any desired measure. The colony, in spite of several threatened appeals to the Crown (1742, 1751, 1753, 1756), had never really desired to overthrow the existing method of government, and while the opposition would be willing to join in any logical settlement of such questions as those of provincial taxation by referring them to a board of arbitration, it was not willing to open the door for a much greater measure of external control than any of which the proprietors were capable.¹ On whichever side we may consider the merit of argument to have rested, the Crown party had the votes, and Franklin was sent to England with a petition to the king praying him to assume the government of the province. Inasmuch as the international disputes already arising prevented action upon this petition until after the eastern oligarchy had lost its power, the controversy interests us only as it indicates the division of sentiment within the colony and as it affected the careers of the intellectual leaders of the state. Galloway's position during the struggle caused him to be disliked by the west even more than before, if that were possible; Franklin was removed, by his mission, from the colonial disputes of the next decade, and his absence gave him on his return an additional influence with many in the colony, while to Dickinson was given the opportunity of becoming the champion of popular rights.²

¹ See the speeches of Dickinson and Galloway, Franklin's pamphlet, and the discussion in Shepherd's *Proprietary Government in Pennsylvania*.

² No better proof of the prominence which religion had among the people of Pennsylvania, or of the bitterness existing between the Presbyterian and other religious bodies, could be desired than the forward position into which the church

{ While the Assembly was considering the question of Proprietary versus Crown government, the western portion of the colony was more interested in the determination of the relations which should exist between the province and the Indians. The attitude of the east upon this question determined the position which the frontiersmen took in the proprietary struggle. In their opinion it was absolutely necessary that the colony be protected against Indian ravages, but in the differences which had arisen between them and their Indian

leaders were pushed by this proprietary struggle. It was asserted that church ascendancy was the real object sought by each party in the dispute. On the one side it was urged that the real object of Presbyterian effort was independence and that they prostituted religion to political purposes. Thus, in *A Looking-Glass for Presbyterians*, or a brief examination of their Loyalty, Merit and other Qualifications for Government, etc. [Philadelphia, 1764], after speaking of the fine results Quaker rule had accomplished for Pennsylvania, the author continues, [page 4]: "But had their Seats been filled with Presbyterians, we should inevitably have been in a much worse condition for it is very evident, from undeniable Facts that they are by no means proper Men to hold the Reigns of Government, either in War or Peace. For if a firm Attachment to the King and the Laws of our Country be necessary Ingredients in a representative of the People, a Presbyterian can lay no claim to them, and consequently ought not to be elected. . . ." "In the Annals both of Ancient and Modern history Presbyterianism and Rebellion were Twin Sisters, sprung from Faction and their Affection for each other has ever been so strong that a separation of them never could be effected. What King has ever reigned in Great Britain whose Government has not been disturbed with Presbyterian Rebellions since ever they were a People?" The author continues [page 9]: "I earnestly hope every other Denomination will take the Pains to examine them. . . . Whenever this righteous People have the power in their Hands, they will tolerate no other Profession or Opinion but their own, and never cease until they establish themselves in such a manner so as to exclude all other Sects. For the Proof of this witness Scotland and New England." [Page 15]: "I would seriously ask . . . what cou'd a Sett of Men do more in the Assembly for protecting this Province than the People called Quakers have done? It can be undeniably proved that more Money has been raised in this Province for carrying on the war, than any other in America. It can also be proved that the Necessity of raising money was never disputed but the Manner of Taxation." See also *A Letter from a Gentleman in Transylvania to His Friend in America*, and *The Quaker Vindicated*. It is generally admitted, however, that the Quakers as a society would neither fight nor openly subscribe in behalf of a war.

neighbors the Assembly had almost invariably sided with the Indians and had offered no protection to the frontiersmen further than attempting to conciliate their assailants by presents. In 1730 the legislature had decided that new settlers in the Conestogoe Manor must satisfy the Indian claim before their own land titles would be recognized as valid. In 1749 Parliament had excused the Germans, Moravians and Methodists from military service on the ground of conscientious scruples and the troops that were stationed in Pennsylvania were not available against the frontier destroyers. Franklin complained¹ that the government instead of "garrisoning the forts on the frontiers . . . to prevent incursions" had "demolished those forts and ordered the troops into the heart of the country, that the savages may be encouraged to attack the frontiers and that the troops may be protected by the inhabitants." Thus, unaided by Crown or Assembly, the Scotch-Irish bore the whole burden of the Indian troubles, and it was peculiarly aggravating for them to be told by the unmolested settlers along the Delaware that their own aggressions and their own quarrelsome dispositions were the real source of the border troubles. No wonder, they replied, that the eastern counties were able to get along amicably with the Indians and wished to maintain cordial relations with them, for these counties were protected by a line of frontier settlements, and while the merchants of Philadelphia made money from the Indian trade they suffered nothing from Indian marauding. Let them come out and settle beside that race which they pretended to love and their opinions would change. In truth there was the same difference between the two sections of the colony regarding the Indians that is found to-day between the west and the east and which is explained by commercial and sentimental considerations.

¹ Rules for reducing a great empire to a small one, § 19.

The party in favor of the Indians was found in Philadelphia, New York and in England. That party, in such pamphlets as *Serious Considerations on the Present State of the Affairs of the Northern Colonies in North America*, claimed that the treatment which the Indians received at the hands of the frontiersmen was a disgrace to the English race and made very clear the low type of civilization peculiar to the people living in the Susquehanna valley. To such writers as these the Presbyterians attributed the lukewarmness of the support which they received from the government troops, although it was more probably due to the desire of England to obtain Indian allies against the French.¹ Whether or not the Indians had been degraded by contact with the whites, it is certain that in 1750 the Pennsylvanians of the frontier had some excuse for declining to treat them as friends. Even the missionaries describe them as of an "indolent, wandering, unsteady disposition, with a great and almost universal propensity to liquor."² Not only did the Quakers refuse to act in behalf of their fellow colonists but they refused to allow the governor to give aid to the westerners, or, indeed, to allow the frontiersmen to defend themselves. In 1757³ the Assembly had declared that as the House of Commons had the right to name "certain commissions" the colonial legislature had the "settled right" of selecting the commissions to the Indian tribes and they forced the governor to agree to their contention, the latter merely maintaining that the

¹ See *The State of the British and French Colonies in North America*. London, 1755.

² See the Letter from Mr. John Brainard, employed by the Scotch Society for Propagating the Gospel, London, 1753, which can be advantageously compared with Wieser's descriptions on which the Quaker ideas were based. See also Doddridge, *Notes*, chapters 24 and 25. "I have seen several of the Moravian Indians and their conduct soon convinced me that the conversion of those whom I saw was far from being complete."—[Doddridge, chap. 24.] See also the articles in Sauer's *Berichte*.

³ Votes, IV, 747 and 750.

Assembly should choose outsiders as members of the commission. The Assembly also claimed and enforced the right of regulating military operations and supplies and even the appointment of officers.¹

Having thus obtained the power of control it was to be expected that the dominant faction in the Assembly would be held responsible for its exercise, and the fact that their previous line of belief and action laid the Quakers open to suspicion did not make their position any easier. The Americans had comparatively little interest in the European aspect of the Seven Years' War, but the attacks of the Indians upon the frontiers appealed directly to their immediate welfare, and it was felt by that part of the province most directly menaced that a people like the Quakers were not the ones to lead in the emergency. "What man of prudence would venture to tell an English fox hunter that there are some among us who hunt fish on horseback?" wrote Dulaney to Carrol. "But yet perhaps this would be as easily believed, that one set of people could be so infatuated as to declare against the right of self-defence when barbarians the most cruel and merciless were in the heart of the country."² This sentiment was not confined to the press, for in 1757 Samuel Finley, in a sermon entitled *The Curse of Meroz or the Danger of Neutrality*, declared: "They who belong to a community and yet will not assist in defending it when attacked are to be esteemed as virtual enemies, for they deliver us into our enemies' hands as far as their deserting us can do it." As the first movements of the war proved unsuccessful and as the entreaty of the Quakers to General Braddock to make peace by giving up a neutral zone to the Indians became known, the anger against Quaker leadership became more pronounced. A letter from Reading said: "The people

¹ Votes, IV, 717.

² Pa. Mag. of Hist. and Biog., III, 12.

exclaim against the Quakers, and some are scarce restrained from burning the houses of those few who are in this town." ¹

As the war continued this sentiment of anger changed to one of suspicion that the dominant party in the Assembly was not acting honestly by the colony. By 1764 it was openly charged that the real object of the commercial ring in control of colonial politics had been to remain on good terms with the Indians that trade relations might not be disturbed. When the Assembly petitioned the king for a change of government a circular letter was written by Tenant, Allison and Ewing, Presbyterian clergymen of Philadelphia, by order of the synod, to the church throughout the province, against the petition. They charged the Quakers with having secretly supported the Indians by holding treaties and maintaining correspondence with them during the war, and with having given them arms and ammunition even while they were murdering the frontier peoples.² By Presbyterian writers, such as those who contributed to the *Plain Dealer*, it was urged that self-interest had been the one object of Quaker control in the province,³ and the counter charges were no less abusive.

¹ Col. Records, VI, 705.

² Gordon, *Hist. of Pa.*, p. 422.

³ See the *Plain Dealer*, Nos. 1, 2 and 3. The first number accuses the eastern conservatives of seeking to prevent western growth and prosperity, lest that section become too powerful; the second is an attack on Franklin's *Cool Thoughts*; and the third shows in detail the attempt of the Assembly to cultivate the favor of the Indians for the east as well as to excite them against the proprietary and the frontiers. The first and third numbers, signed "W. D.," were probably written by Williamson, the second is merely signed "X. Y. Z."

The violent writing was by no means confined to the Presbyterian side. Replies to the *Plain Dealer* were fully as scurrilous as was that pamphlet itself. Here is a sample from The Author of the Quaker Unmasked Strip'd Stark Naked or the Delineated Presbyterian play'd Hob With:

"I am extremely sorry you have Involved yourself in such a deluge of Untruths, from which you'll find the utmost difficulty to extricate yourself, I mean from the deserved Censures and Contempt of every honest Man (the Quakers in particular) whom your piece is pointed at! 'Tis impossible you can recover your usual Credit but by a sincere and Publick Acknowledgment that you

The close of the war brought this difference of sentiment between the two parties, as to the attitude to be maintained against the Indians, to a crisis. The announcement of the English policy of a neutral zone made it evident that white settlements could no longer engulf the Indians or drive them beyond the Ohio. A limit had been fixed and the Indian question was at once hurried to a decision. Control of the provincial policy by force, or by securing an increased representation in the Assembly, were the alternatives presented to the westerners and each was tried in turn.

Whatever may have been the result of the war upon the relations between Pennsylvania and the Mother Country, it had weakened the colonial governor within the province and had also weakened the Assembly in the estimation of those who had become angry because of the lack of energy which it had shown. The result was an open defiance of its authority. The circumstances relating to the so-called Indian massacre at Conestogoe are easily told, but the excitement aroused by the action lasted well into the next decade and caused an enormous amount of argument, which filled the press of the time. The importance of the trouble lay not merely in the fact that a party of frontiersmen had attacked a few Indians who were living under the protection of the government, but that it was significant of an impatience of control throughout the west and within the city of Philadelphia. The frontiersmen had been exasperated by the action of the Assembly during the war and by their inability to obtain equal representation in the legislature. The city, in turn, was but little less excited by the assumptions of superiority on the part of the

were Prompted thereto by Envy, Hatred and Malice, and that the Father of Lyes was your Dictator." "The title of your book ('Plain Truth') is a deep deception. I have examined it and find no less than 17 positive Lyes and 10 false Insinuations. . . . You wrote it with a truly Pious Lying Presbyterian Spirit." "P. S.—I have but faintly pointed at and slightly touched at the character of a Presbyterian.—Timothy Wigwag."

ruling faction in the Assembly and the taunts to which they were subject. "These people cannot bear Indulgence," wrote one of the majority party in February, 1774,¹ "owing to the Effect their Principles have, for they are, and have always been, though under the mildest of Governments, a Sett of uneasy, discontented and innovating people." This writer taunted the opposition with the fact that although there were more Presbyterians than Quakers in the province, "for, unhappy for it, it swarms with them," yet the Assembly still continued to have a Quaker majority,² for "their Constituents seeing the happy effect of their upright Conduct in every public Trust, executive as well as legislative, have always endeavored still to keep them possessed of it." To persons who knew that one great reason, if not the greatest, why these men maintained a majority in the Assembly was injustice in representation, such words were not soothing. Nor was it pleasant for men in the city who were in favor of more just conduct toward the west, men like Ewing and Allison, to be told that "The lower sort of People are very imitative of their Superiors,—They watch their Motions, Looks and Eyes,—If therefore the more sensible Part of you would openly disavow your Disapprobation (sic) of these Measures you will find this Rage and Clamour will soon subside. These People will disperse, they will crumble like the Dust and disappear like the Snow that melted yesterday."³ This would have been well

¹ Remarks on the Quaker Unmasked.

² One quotation may be given to show that in this question, as in that of the proprietary, religion was forced to play a part. It occurs in *An Answer to the Pamphlet entitled the Conduct of the Paxton Men*, page 3. "Did they (the attackers) propose to have thrown off the Reins of government entirely and paid no Tribute but to their Goddess Presbytery." Page 10, "Was it not Presbyterians that murdered the Indians at Lancaster? Was it not Presbyterians who came down with an intent to murder the Indians in the Barraks? Was not the Author of the Quaker Unmasked one of their esteemed ministers? . . . In fine, I think the Presbyterians have been the Authors and Abettors of all the mischief that's happened to us as a People."

³ A Serious Address, etc.

had the frontiersmen had no grievance, or had all their friends in the city been ruffians, but such was not the case. Even if the question of representation had not been made a part of the dispute it would have been impossible for men continually exposed to Indian attack, or who had seen their fellow Christians neglected that presents might be given to these Indians, to side with the Assembly. In their opinion the Indians should have been driven away in the beginning and none of these later troubles would have arisen. They therefore prepared to carry out their judgment on the principle that deferred justice was better than none.

The settlement of Conestogoe Manor was under the protection of the province and was composed of Indians who had been partially Christianized. They were assumed to be the descendants of the men with whom Penn had made his first treaties and for this reason entitled to the land upon which they were settled. It has been claimed that they had given no cause of offence and that the attack upon them in 1763 was entirely unjustified, yet it seems that during the French war, in spite of their treaties with the colony, presents had been necessary to retain their allegiance.¹ During the administration of Governor Hamilton, the government had been requested to remove these people from their lands and reasons had been given for such removal. Later, commissioners appointed by the Assembly had looked into the matter and reported that the Indians were dangerous under existing conditions, for they were in alliance with tribes hostile to the colony, and it had also been shown that some of them were in arms against Colonel Bouquet. Finally, thinking the government would not act, having been assured indeed by Governor Penn that the colony would protect the Indians, the frontiersmen took matters into their own hands, marched against the Conestogoe Manor, killed such of the Indians as were there,

¹ Colonial Records, VIII, 113, 122, 135. Ewing to Reed, Life of Reed, I, 34. A Declaration and Remonstrance.

murdered those who had been placed in the Lancaster almshouse for safe keeping, and finally proceeded against those who had been conducted, under Quaker guardianship, to the Philadelphia barracks. This action threatened to result seriously, for a rival force composed of those in the city and county who desired to maintain order and to defend the Indians was formed (many Quakers seem to have been among them) and threats were made that the royal troops would be called upon for aid. In this emergency many of the so-called lower elements appear to have been willing to join the "Paxton Boys,"¹ but Franklin acted as mediator and actual conflict was prevented. He went to Germantown, met the invaders, and persuaded them to be satisfied with drawing up a petition for redress of grievances and more equitable representation.

On December 29, 1763, the governor had sent a message and proclamation to the Assembly deprecating the attack at Conestogoe and notifying the legislature of the removal of the remainder of the tribe to Philadelphia. At the same time he asked a vote of money to defend them in their new refuge and the reception given this request shows the intensity of the passions which had been aroused. Foulke says: "The House immediately passed a vote of credit to repay any Expense which might accrue upon or in respect of ye circumstances: but so great was the prejudice which possessed ye minds of a great many of ye Frontier Inhabitants against the s'd Indians and ye maintaining them at ye publick Expense, and the disaffection appearing to spread like a Contagion into ye Interior parts of ye province (by which he means the three Quaker counties) and even ye City itself, that ye Government became in some measure intimidated by the reported threats of ye back inhabitants, and thinking it safer to remove ye Indians Entirely out of ye province did hurry 'em away to New York."² New York did not care to become concerned in the trouble, so the

¹ Scharf v. Westcott, I, 241.

² Foulke's Diary, in *Pa. Mag. of Hist. and Biog.*, V, 60.

Indians were soon on their way back to Philadelphia. On February 7, when the mob was on the point of entering the city, the governor sent an embassy out to meet it and if possible to turn it back. "They frankly confessed," continues Foulke, "they had set out with full purpose to kill every Indian in the barracks, *having been invited and encouraged* by many considerable persons in Philadelphia and [having been told] that they should meet with no opposition in the execution of their design." When they found that the Indians were protected by the king's troops they desisted because of loyalty, "a very poor, thin guise this, to cover the disloyal principles of the faction which appears to be a Presbyterian one—that society throughout the province being tainted with the same bloody principles with respect to the Indians and of disaffection to the Government." From this account it is evident that the disaffection against the government was by no means confined to the west.

The rioters were at length persuaded to disperse and then the Assembly began the preparation of a measure to punish the so-called murderers, but the current was too strong in favor of the incipient revolt and this purpose had to be abandoned. The governor indeed placed himself on the popular side, and in July, 1764,¹ issued a proclamation tending to assuage the discontent at the colonial Indian policy. The document offered a reward of one hundred and fifty Spanish dollars for every male Indian over ten years of age captured and brought to Philadelphia, one hundred and thirty for every female, one hundred and thirty-four for every male scalp, and fifty for every female scalp. Such was the result of the first effort to overawe the eastern Quaker conservatism. Although the colonial discontents were for the moment suppressed, the movement served to teach the dissatisfied elements that if united they could secure their ends. }

¹ *Pennsylvania Gazette*, July 12.

CHAPTER VII.

THE INTRODUCTION OF INTERNATIONAL QUESTIONS.

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Frothingham, Richard: The Rise of the Republic.

Sheffield, John Baker Holroyd, Earl of: Observations on the Commerce of the American States.

The above list of authorities is small compared with the number which might be given as the international conflict began to influence local politics. The whole literature of the Revolution might be mentioned, but the pamphlets circulating at Philadelphia and the Philadelphia newspapers have been the author's real reliance, and those have been already mentioned. Other works have been used to obtain the text of laws and the drift of English opinion rather than as illustrating the movement in Pennsylvania.

We have traced the origin of the revolution in Pennsylvania ; we may now consider the circumstances which hastened its culmination.

The real cause of the differences which were continually arising between England and the colonies was the divergent conceptions of the British constitution entertained by the two peoples, and the difference in their economic needs. Racial and religious distinctions had united with dissimilar conditions in creating two nations, each professing to base its political faith on the same historical precedents, yet drawing conclusions which were irreconcilable. To the American steeped in the ideas of contract and covenant the agreements which had been entered into between king and people were important only as they gave expression to conditions which had existed before. The rights which an individual had as a man and as

a Christian were deeper in their nature than any privilege of a parliamentary body whose only reason for existence was the exercise of delegated duties. The king and parliament should have guaranteed to the individual the peaceable enjoyment of his just claims, and it was precisely because they had not done so that the Puritan and Quaker had come to America to re-establish the English government in its original purity. West of the Atlantic the Americans had succeeded in gaining from the Crown a recognition of rights unacknowledged in England. Their brethren in Britain had seen the colonial position theoretically justified in 1688, and despite the opposition of misguided Englishmen, they would see that position, in case of necessity, again upheld in America.¹

Because the great statutes of British history were regarded as a recognition of popular privilege, they were revered in America even more than in England herself, but it is significant of American feeling that the colonial legislatures early in their history confirmed these statutes by acts of their own. Rhode Island's re-enactment of the great charter in 1663 was but one instance of this feeling of legislative separation, and a more striking illustration is found in the Bill of Rights set forth by New York in 1689, differing, as it did, from that

¹ It was in no narrow sense that the colonists used the terms English and Englishmen, but with a meaning which made them coextensive with the lands over which the king reigned. Thus, in the address to the Crown framed by the Stamp Act congress, in defending "the invaluable Rights of taxing ourselves and Trials by our Peers," that body declared: "On the first of these Rights the Honorable House of Commons found their Practice of originating Money Bills, a Right enjoyed by the Kingdom of Ireland, by the Clergy of England, until relinquished by themselves; a Right, in fine, *which all other your Majesty's English Subjects, both within and without the Realm, have hitherto enjoyed.*" That is, a man was no less entitled to all English rights from the fact that he resided in America or Ireland; although he might have in addition gained the recognition of other privileges which his fellow at home had not retained. He had been a member of the body that joined together and created the British state, and whether he had remained in England or had come to America was immaterial, so long as he had not entered another allegiance.

passed by Parliament. Penn caused the more important constitutional documents to be circulated in Pennsylvania that the people might know their rights, and successive generations did not hesitate to add such new items to their legal claims as would round out their constitutional structure. To the American mind the English constitution was interpreted by Locke, Montesquieu and Blackstone, much more completely than by any series of parliamentary enactments. Magna Charta and the Bill of Rights were important, not because they created any privilege, but because they reasserted immunities which Englishmen seemed in danger of losing.¹ Such had been the view of many of the original immigrants 'to America, and this view became more pronounced with each succeeding generation. After the death of the first settlers, Americans obtained their knowledge of English conditions from books and not from experience. The hostility prevalent in America to the government of England during the seventeenth century was replaced in the eighteenth by a pride in English achievement on the Continent and an idealization of the English constitution. The predictions of a separation between the two divisions of the British Empire came from

¹ Thus one writer declared in *A Letter to the People of Pennsylvania Occasioned by the Assembly's passing that Important Act for Constituting the Judges of the Supream Courts and Common Pleas During Good Behavior* [p. 25, Philadelphia, Dunlap, 1760]. "It is worthy your Information, *first*, That the Rights and Liberties claimed and declared by the Bill of Rights, that second Magna Charta, and the Act of Settlement, created no innovation of the Antient Constitution. The Parliament had no Design to Change but only to restore the antient Laws and Customs of the Realm which were the True and Indubitable Rights and Liberties of the People of England. . . . These rights are inseparably Inherent in the Persons of every freeborn Englishman. . . . Those excellent laws were intended to extend, and do extend, to all the King's subjects in America." Page 35: "Are you not of the same stock as Englishmen? Was the blood of your ancestors polluted by a change of soil? Were they freemen in England and did they become slaves by a six weeks' voyage to America? Is not our Honor and Virtue as pure, our liberty as valuable, our property as dear, our lives as precious here as in England?"

Europe, and not from America, during the first half of the eighteenth century. Not until the real constitution was distinguished from the colonial ideal did American dissatisfaction become prominent.¹

Americans believed in natural inherent rights, and they believed that the English constitution alone among existing frames of government preserved them to the people. As they became acquainted with conditions in England they saw that these rights were not being enjoyed by Englishmen, and they concluded that their brothers had allowed the exercise of original powers to slip from them, and thus had substituted a legal for a constitutional government. The colonial leaders were determined that this substitution should not be made in their own case, and eagerly read the arguments in support of the constitutional position. Thus Granville Sharpe² admitted that difficult questions of jurisprudence demanded a critical knowledge of law, but asserted that broad questions of human rights required no especial familiarity with statutes. Following this argument in behalf of every man's right to pass on constitutional principles, he said: "As all British subjects, whether in Great Britain, Ireland or the colonies, are equally free by the *Law of Nature*, they certainly are equally entitled to the same natural rights, . . . and this privilege of having a share in legislation is not merely a British right peculiar to this island, but a Natural Right," an argument which he based upon the authority of Hooker, and which was very agreeable to the Irish, Scotch and German patriots in

¹ There had been many European prophecies that the colonies would not long continue subject to England. Among others may be mentioned that of Choiseul in 1763: "They stand no longer in need of her protection. She will call upon them to contribute toward the burdens which they have helped to bring upon her, and they will answer by throwing off all dependence." The predictions of Kalm and Turgot are well known, and as early as 1730 Montesquieu had observed that England would be the first nation abandoned by her colonies, a prediction repeated by Montcalm in 1757.

² A Declaration of the People's Natural Right, etc.

Pennsylvania. He then continued: ¹ "It must be acknowledged that the Representation of the People of England is not so perfect as equity may seem to require, since very many individuals have no vote in elections, . . . yet notwithstanding the inequality of the English representation and the various means practiced to corrupt it, yet it has been the principal instrument of preserving amongst us those remains of *natural Liberty* which we still enjoy in a greater proportion than most other kingdoms." "The inequality of Representation in this island affords no just argument for setting aside the Representation of the People in other parts of the British Empire, because experience teaches us that even a defective representation is better than none at all." ² "In every point of view the making laws for the subjects of any part of the British Empire, without their participation and assent is iniquitous, and THEREFORE unlawful. . . . To give up the ancient and established right of the people to be represented in the legislature would be to subvert the principles and constitution on which the very existence of the legislature itself is formed." ³ He did not look with favor upon American representatives at London, but declared that ⁴ "the true constitutional mode of connecting British dominions that are otherwise separated by nature is demonstrated by the example of the union of Great Britain and Ireland." ⁵

There was a need of something beside a knowledge of

¹ Page 5.

² Page 7.

³ Page 9.

⁴ Page 14.

⁵ This pamphlet, based on the arguments of Aristotle, Lord Sommers, Hooker and Fortesque, appeared in Philadelphia, July 25, 1774, while the provincial convention and the legislature were considering the sending of representatives to the first Congress. It had previously been printed in London, and seems to have been popular among the radical party during 1774 and 1775. See also *Considerations in Respect to the Measures carrying on with Respect to the British Colonies.* Phila., B. Towne, 1774.

English law to establish the American position. When Dickinson wrote in the *Farmers' Letters*, "We are as much dependent upon Great Britain as one perfectly free people can be on another," it needed more than a legal mind to explain the situation. Much more satisfactory in its exactness was the position of Franklin or of John Adams. "The more I have thought and read on the subject," said the former, "the more I find myself confirmed in the opinion that no middle doctrine can be well maintained. . . . Something might be said for either of the extremes, that Parliament has a power to make all laws for us, or that it has a power to make no laws for us."¹ The latter stood squarely for colonial independence. "Our provincial legislatures are the only supreme authority in our colonies. . . . Parliament may be allowed an authority supreme and sovereign over the ocean, which may be limited by the banks of the ocean or the bounds of our charters." Americans went beyond the law and found the principle on which the law was based, and their arguments were copied, not from statutes, but from treatises on the principles of government.

One hint concerning the constitutional ideas prevalent in¹ Pennsylvania during the years preceding the revolution is found in the books offered for sale by the booksellers or found in the libraries of Philadelphia. It was from these that the people obtained their ideas of the English constitution so far as it was distinct from the government in operation before their eyes, and these writings were repeatedly quoted in the pamphlet literature of the sixties and seventies. First among the authors must be placed Locke, in the words of one pamphleteer, "the finest reasoner and best writer on government that this or any other age has produced."² Again and again in the advertisements of David Hall, of William Sellers, or

¹ March 10, 1768.

² *Pennsylvania Gazette*, September 29, 1768.

of Rivington and Brown, his treatises on Toleration, on the Human Understanding, and on Government, were mentioned, and his complete works were frequently offered for sale. In the library advertisements his name was usually found, and it is not surprising that his influence was so marked. Other writers frequently mentioned were Milton, Sydney, Blackstone, Hooker, "that learned and judicious Divine," Montesquieu, and Rousseau.

History was a favorite study among Pennsylvanians, if we may rely upon the records of books advertised. Hume's History of England and Robertson's Scotland were often mentioned, and copies of the Annual Register kept people informed on current events. Philosophers like Helvetius, Hobbes and Voltaire found places beside Hawkins and Hale. It is not strange that Burke considered Americans all lawyers, or that the papers written by Pennsylvania statesmen during this period should rank in clearness and force with any of the time.¹ Many Americans were educated at the Inns of

¹ A few of the books owned by the Library Company of Philadelphia in 1757 are here given. The titles are taken from the Charter Laws and Catalogue of that company:

Puffendorff's Law of Nature and Nations.

The Works of Nicholas Machiavel.

A Complete Collection of the Historical, Political and Miscellaneous Works of J. Milton. 2 vols., Lond., 1738.

The Works of John Locke, Esq., in 3 vols., 4th ed., Lond., 1740.

The Works of that learned and judicious Divine, Mr. Richard Hooker, in VIII Books, of the Laws of Ecclesiastical Polity. Lond., 1723.

The Brittanick Constitution: or, The Fundamental Form of Government in Britain; demonstrating the Original Contract entered into by King and People. Therein is proved That the placing on the Throne of King William III was the Natural Fruit and Effect of the Original Constitution, etc., by Roger Acherly, Esq., Lond., 1727.

Sidney's Discourses on Government.

Several volumes on English law, among others Coke's Institutions and Hale's Pleas of the Crown.

The Works of Francis, Lord Bacon. 4 vols., Lond., 1740.

British Liberties or, The Free born Subject's Inheritance; Containing Magna

Court in England, Stillé placing the number at one hundred and fifteen between 1760 and the close of the revolution.¹ These came chiefly from the south, where as yet there were few good schools and small literary advantages, forty-seven coming from South Carolina alone. As we go north the numbers decrease, Virginia furnishing twenty-one, Pennsylvania eleven and New England two. As a result of this legal training England had little advantage over America in book knowledge of Anglo-Saxon law, and in some cases (*e. g.*, the law of libel) the elder country adopted the exposition of her law which was advanced by colonial lawyers.

Burke recognized that in America, much more than in England, the middle classes were educated in the general principles underlying all liberty. "In no country perhaps in the world," he declared in his speech on conciliation, "is the law so general a study. . . . All who read, and most do read, endeavor to obtain some smattering in that science. I have been told by an eminent bookseller that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the Plantations. . . . I hear they have sold nearly as many of Blackstone's Commentaries in America as in England." It was this familiarity

Charts and all the important English statutes (a list of them is given). Lond., 1719.

Two Treatises of Government. By J. Locke, Esq. 1698. (There were several copies of Locke's works in the library.)

The Spirit of the Laws. Translated from the French of M. De Secondat, Baron of Montesquieu, 2d ed., 2 vols., Lond., 1752.

The Principles of Natural Law. By J. J. Burlamaqui. Translated by Mr. Nugent. Lond., 1748.

The Principles of Politic Law. By J. J. Burlamaqui. Lond., 1752.

Several volumes of Voltaire's works and several histories of New England.

The Woman as Good as the Man, or the Equality of Both Sexes.

Utopia. Written in Latin by Sir Thomas More. Translated into English. Lond., 1684.

An Inquiry Concerning the Principles of Morals. By David Hume.

¹ Dickinson, p. 26.

with the principles of justice which made effective the demand for liberty in America. In national or in colonial politics certain sects or leaders might say thus far and no farther, but the middle classes, the men of affairs, knew the rights which English jurisprudence and the principles expounded by Locke and Montesquieu guaranteed them. When therefore theorists like Dickinson endeavored to postpone the movement which aimed to secure equal political rights for all, and which had been aroused by theorists, men of less mental ability, but of more resolution, placed themselves at its head and carried matters to a successful conclusion.

Having thus a different conception of the constitution, the Americans needed only a difference of economic interest to precipitate a conflict with the mother country. This economic grievance was caused by an English trade policy adopted only after long hesitation and enforced only after a longer period of open violation. The early navigation laws were, of course, aimed at Holland and not at the colonies. Cromwell in 1651 had felt no hesitancy in granting free trade to Virginia in return for colonial submission to Puritan government, and so long as the English sovereigns felt the necessity of bolstering up their throne by support gained from without England a colonial rebellion was carefully guarded against. Under the Stuarts men familiar with colonial conditions were appointed governors, and by such acts as that allowing gold exports from England (1663) financial relations between Great Britain and her colonies were improved. When the house of Hanover came into power efforts were made to conciliate the native Englishman regardless of the feeling aroused throughout the empire. From their foundation two views of the relation existing between the colonies and the mother country had been current at London. One considered them a part of Britain, the other considered them as subject districts. The more absolute the king, the more England and America were

regarded as equals. The mercantile system might have had the empire for its basis as well as England alone, and at the time of its inauguration both views found support. Pamphlets were printed against the act of 1733,¹ and only after amendment was its passage secured. After the English base had been adopted by the commercial classes the imperial idea weakened, so that when Pownall in 1764 suggested an imperial customs union,² his argument found comparatively little support.³ In 1733 trading interests demanded that America

¹ *e. g.*, The Importance of the British Plantations in America to the Kingdom.

² Administration of the Colonies.

³ Driven from the commercial argument the defence of America, so far as it was presented in England, was forced to rest on grounds of natural right or of the glory found in a large empire. Referring to Turgot's prophecy, it was urged that the tree at least should not be shaken, but the fruit kept on it as long as was possible. These are the later arguments and, with the religious reasonings, were also reprinted in America. Some went so far as to justify rebellion on religious grounds. Thus in An Address to Protestant Dissenters of all Denominations on the approaching Election of Members of Parliament with Respect to the State of Public Liberty in General and American Affairs in particular, Priestly declared that civil liberty was a natural right and that only on the basis of civil liberty can religious liberty be maintained. "Your brethren in America will probably be compelled to take up Arms in defense of their liberties, for Parliament, although it has no right to legislate out of England, seems resolved to do so. . . . When the Puritans quitted the realm of England they freed themselves from the laws of England. Indeed they could have had no other motive for leaving this country: and how could they have expected any relief from taking refuge in America if they had found in that country or carried with them the same laws or the same administration by which they were aggrieved in this. But going into a country which was *out of the realm of England* and not occupied they found themselves at first without any laws whatsoever. But they enacted laws for themselves voluntarily choosing . . . to have the same king. They adopted as many of the laws of England as they chose but no more, and could have taken those of other countries." [Page 17.] "According to the language that was universally in use till of late years, to say that *America was subject* to England would have been considered as equally absurd with saying that it was subject to Ireland or Hanover."

This argument was reprinted by Humphreys in Philadelphia in 1774, and was seized upon by the men of the time who were arguing against the danger of episcopacy as well as those who favored the doctrine of natural right.

should be treated as an outside country and forty-three years later their wish was granted.

The Act of 1733 provided that all rum and spirits made outside of British jurisdiction should pay a duty of nine pence a gallon on importation into the colonies; that molasses and syrup should be subject to a duty of six pence a gallon; and that sugar should pay five shillings for each hundred pounds. It was upon this trade that Pennsylvania depended for her prosperity, for her grain went to the West Indies in return for the products enumerated by this act. The measure had no serious results, for it was not enforced, and the officials seem never to have regretted the non-enforcement. It is but little exaggeration to say that smuggling had the official sanction of the customs officials along the Delaware, and that the object of the law was rather to provide salaries for revenue officials in America than to obtain a monetary return for the English government. Those who wished to prevent trade between the colonies and the Indies were satisfied that the object had been accomplished when no return came in from the customs. Those who wished merely to obtain places for their supporters had no objection to a practice which made the offices more attractive. Whatever the object in view, the result was that smuggling became a virtue and a condition of affairs ensued which could be changed only by force. Burke indeed looked upon the American contraband trade as no great evil,¹ but Grenville not only intended that existing laws should be enforced, but that a permanent policy should be declared. On March 14, 1764,² the so-called Sugar Act came before the Commons, and the restrictive trade policy was made perpetual.³ The duty on sugar was increased,

¹ See his speech on American Taxation, 1774.

² 4 George III., c. 15.

³ About two-thirds of the sugar imported into the colonies came, says Sheffield (p. 121), from other than British colonies, and the same writer estimates that

that on molasses lowered, and in general an attempt was made to so arrange the duties that more revenue should be secured. The preamble declared "that it is just and necessary that a revenue be raised . . . in America . . . and the Commons of Great Britain . . . have resolved to give and grant . . . the several rates and duties hereinafter mentioned." In the following year an effort was made to enforce the laws, and this caused the rub. "This new invention of collecting taxes makes them burdensome," wrote Knox in 1769,¹ and Bernard in Massachusetts was of the same opinion.²

In Pennsylvania the initiative in opposing English policy¹ was taken by the same elements that had opposed Crown government in the proprietary struggle, but the colony was more nearly united than at any other period. Dickinson was no longer in the Assembly, but in "The Late Regulations Respecting the British Colonies on the Continent of America Considered," he did not hesitate to oppose the new laws. Then, as later, he furnished the argument upon which others might act, but at this time it was not the argument of a constitutional lawyer so much as that of the economist which he presented. He was appealing to English rather than American readers. The small revenue returns from the enforcement of such acts as the ones proposed were, in his opinion, of no importance compared with the trade benefits which English merchants received at the hands of the colonists. Indeed, the only object and result of the American trade with the Indies was to secure money which might be expended in England. The argument from the legal position of the colony under the charter and that which rested on the natural about one-third of the total imports of sugar and molasses was smuggled, finding one proof of this in the abnormal increase of customs with the substitution of a lower duty.

¹ The Controversy between England and her Colonies.

² See also Graydon, *Memoirs*, p. 103.

rights of Englishmen, were presented by other speakers and writers within and without the Assembly. No discussion was needed to show Americans their grievance, but a constitutional basis for resistance was desired, hence the writers and speakers who addressed Americans rather than Englishmen turned naturally to theoretical argument.

The year which elapsed between the proposal of new duties and the enactment of the Stamp Act gave the Americans an opportunity to concentrate their resistance and reinforce their arguments. Intercommunication led to concerted action by the various colonies, and the recognition of an united sentiment encouraged the party of resistance. As early as 1763,¹ the Philadelphia newspapers had printed reports from Charleston that the home government was soon to assume immediate direction of the colonies and would "oblige them to be unanimous in all points tending to their general good." The trade regulations were felt to be burdensome, and it was hoped that the king would propose some more equitable arrangement. "It is greatly to be wished that some system of trade might be discovered that would be equally the interest of all parts of the British Dominions to adhere to . . . Prohibitions upon trade show a defect in government and plainly call for amendment." No plan of active resistance was proposed, but it was urged that "if instead of acting contrary to the laws in being, every one would exert themselves to have them amended and made just and equitable, we might probably in a little time obtain such a system of trading laws that no one would wish to violate them."²

This sentiment had partially changed by the time the Assembly met in the autumn of 1764. Trade regulations and stamp acts were no longer regarded as unsuccessful efforts to prevent trade or secure uniformity, but as distinct

¹ Gazette, July 21.

² Pennsylvania Gazette, October 27, 1763.

evidences of a desire to raise a revenue, and to prevent colonial development. "England seems unwilling that America should advance," wrote Cox to Reed in April. "They seem somehow to be afraid we may grow too strong for them, I fancy, and apprehend our independency or, perhaps more truly, they seem to understand little of us, our interest or their own respecting us, and what will become of us I cannot tell if such be the present temper."¹ Even yet, however, the important question in the mind of the dominant party in Pennsylvania was the control of the province, and not a change in imperial policy. Only as the agitation in other colonies was reported in the Philadelphia press and representations from them came to the Assembly was the magnitude of the international question realized. Franklin did not leave for England until November, and in December he wrote Thompson that the petition of the colonies would not be granted, and advised saving in other ways in order to pay the taxes imposed by Parliament. Had the popular sentiment in Pennsylvania been aroused Franklin never would have counselled such a policy of submission.

On September 12, 1764,² the speaker of the Pennsylvania Legislature laid before the Assembly the resolves of the Massachusetts House of Representatives relating to the sugar duties and the proposed stamp act, and the resolutions together with the letter accompanying them, were "ordered to lie on the Table for the Perusal and Consideration of the Members." On the 18th³ consideration of the communications was resumed and a committee was appointed to draw up instructions directing "Richard Jackson, Esq., Agent of this Province, to use his utmost Endeavours, in Conjunction with the Agents for the other Colonies, to obtain a Repeal of the

¹ Reed : *Life of Reed*, I, 31.

² *Votes*, V, 355.

³ *Votes*, V, 359.

late Sugar Act ; and that he also join with the said Agents in remonstrating against a Stamp Duty, with any other Taxes and Impositions intended to be laid by the Government of Great Britain on the Colonies in America repugnant to our Rights and Privileges as Freemen and as British Subjects." If a revenue was required the Legislature of Pennsylvania was the body to raise it.

The session of the old Assembly had nearly expired when the notification of New England's action was received, and although this protest was made, the full results of outside influence were not seen until the newly-elected body met in the fall. By October messages from other colonies had followed that of Massachusetts and more vigorous action was expected. On October 18, 1764,¹ a resolution was received from the committee of the General Assembly of Rhode Island in which attention was called to previous grievances at the hands of Great Britain, and the consequences of acquiescence in English demands pointed out. The Rhode Island committee asked "whether your colony hath taken these matters under consideration, and if it hath, what Methods have been thought of as most conducive to bring them to a happy issue?" In default of any plan having been adopted a joint protest in defence of American rights, along the lines suggested by Massachusetts, was recommended.

Taking this letter and the instructions of the previous Assembly under consideration, the house on October 18,² appointed a committee of eight to suggest appropriate action. Under advice of this committee the Assembly, on October 20, instructed its representative at London to model his course on the lines suggested by the last house save that he was not to consent that taxes should be laid, even by a joint congress of all the colonies, upon the province of Pennsylvania but only

¹ Votes, V, 376.

² Votes V, 376.

by her own Assembly. He was further told that the hint in his former instructions that the colonies themselves might propose some other method of raising a revenue was wholly unfounded so far as Pennsylvania was concerned. Thus it was made clear that the Assembly would not agree to any system of parliamentary taxation and would take no action under compulsion. It would not bind the colony to raise any definite revenue, or to any future action. In short, it made a definite assertion of colonial independence from parliamentary or other outside control. Thus, to the disputes between east and west, to the differences between aristocracy and democracy was added the difficulty between Pennsylvania and Great Britain which was to bring the other contentions to a climax.

The effect of the new dispute was at once apparent. While formerly the Assembly had assumed that Crown government in the colony would mean no change in the provincial charter and no decrease of its own importance, doubt was now felt and the agent in London was instructed that "if upon the most careful enquiry and mature Deliberation and Advice he should see cause to apprehend that in the change (to Crown Government) proposed there is danger of our People losing those inestimable Privileges, Civil and Religious, which by their Charter and Laws, they have a Right to enjoy under the present Constitution, he is in that Case positively directed and enjoined to suspend the presenting the said Petitions, till he has acquainted the Assembly with the Reasons, and received their further Direction."¹

On the next day the Assembly heard the report of the committee appointed to act in the matter of the sugar and stamp duties and gave their agent in England instructions to oppose those measures which "the Representatives of the Freemen of this Province do most humbly conceive. . . will, if carried into Execution have a Tendency to deprive the

¹ September 21, Votes, V, 361.

good People of this Province of their most Essential Rights as British Subjects, and of the Rights granted to them by the royal charter of King Charles the Second and confirmed by Laws of this Province, which have received the Royal approbation." Then follows as clear a claim to legislative independence of the British Parliament as one can find in any subsequent document issued by America. "That by the Said Charter, among other Privileges, the right of Assessing their own Taxes, and of being free from any Impositions but those that are made by their own Representatives, is fully granted to the People of this Province :—And, besides, we apprehend that this is the indubitable Right of all the Colonists as Englishmen." Later, reasons are brought forward to show that a consideration has been paid for the charter and that therefore it is inviolable by any English body, but in the first declaration the colonists rest their claim not on charter alone but on the "indubitable Right of English Colonists." "The Said Charter and Laws are certainly of the same Validity, with respect to the Rights thereby granted to the People here, as the Laws and Statutes of England, with regard to the Privileges derived under them, to the People in England." Thus was the doctrine of two co-ordinate parts of one Empire maintained by the Pennsylvania Assembly in 1764.

The Assembly did not rest its case entirely on constitutional arguments. Recognizing the importance of gaining the support of the merchants in England it proceeded to show, as had Dickinson, that the cessation of foreign trade not only injured the colony but that it prevented the payment of debts contracted in England and the continued purchase of English goods. Imports from Great Britain had amounted to £700,000 annually, while exports had been less than half that amount (£300,000). If, therefore, the means of obtaining gold from other portions of the world were taken away it would be impossible for colonial merchants to pay the trade

balance due Great Britain. Neither argument was effective, and united colonial action followed.

On June 8, 1765, Massachusetts sent out her letter proposing a Stamp Act Congress in New York. It was presented to the Pennsylvania Assembly on September 10, and that body resolved to send representatives to such a Congress.¹ A committee of eight, headed by Dickinson, was appointed to draw up instructions to the delegates, and on this committee were men from all parts of the State. The instructions call for "loyal and dutiful addresses to the King and the two Houses of Parliament . . . drawn up in the most decent and respectful terms." It was evident, however, that such language, while it might veil, by no means reversed the assertion of rights which had already been made. On September 21, 1765,² the committee on the Stamp Act and other grievances presented their report to the Assembly. After stating their past and present willingness to contribute to the support of the colonial needs the committee continued: "The Inhabitants of this Province are entitled to all the Liberties, Rights and Privileges of his Majesty's subjects in Great Britain or elsewhere. . . . The Constitution of Government in this Province is founded on the Natural Rights of Mankind, and the Noble Principles of English Liberty and therefore is or ought to be perfectly free." "It is the inherent Birthright of and indubitable Privilege of every British Subject, to be taxed only by his own consent or that of his legal Representatives in conjunction with his Majesty or his Substitutes." "The only legal Representatives of the Inhabitants of this Province are the Persons they annually elect to serve as Members of Assembly," and "the Taxation of the People of this Province by any other Persons whatsoever, than such, their Representatives in Assembly, is unconstitutional, and subversive of their most valuable rights."

¹ Votes, V, 419.

² Votes, V, 426.

At the beginning of the session held by the new Assembly October 16, 1765,¹ the house again ordered its committee of correspondence to write the colonial agents in London to proceed with the utmost caution in their application for a change of government and in no wise to present the petitions for such a change if they apprehended there was danger of losing any part of the privileges which the colony had a right to enjoy under the present charter. In January, 1766, a letter written by the colonial agent the previous November was read to the Assembly. It declared that the petition for a change of government had already been presented. From this it is evident that a relief from proprietary control was yet the controlling idea in the mind of the agents of Pennsylvania at London. So far as they could judge Pennsylvania regarded international questions as distinctly subordinate to questions of local government, and this judgment, so far as the feeling of the majority of the Assembly was concerned, was correct. When the colonial agents, hearing of the trouble occasioned by the acts of Parliament, informed the Assembly that the petition for a change of government might be withdrawn, the suggestion met with little favor. After some debate the Assembly supported its committee, of which Gallo-way seemed to be the moving spirit, in directing² that the petitions be "prosecuted with the utmost expedition to an issue." In the light of these instructions it was little wonder that Franklin believed that Pennsylvania held the provisions of Parliament regarding stamp duties to be of relatively little account.

¶ If the Stamp Act excited less attention in the Assembly than the question of proprietary government, it does not follow that such was the case in the city or colony at large. The movements in the other states, of which the Assembly was

¹ Votes, V, 433.

² Votes, V, 454, January 21, 1766.

kept informed by messages to its speaker, were known on the streets through communications printed in the press, and Boston letters in the *Gazette* called attention to "the insupportable grievances of the Stamp Act."¹ A large share of the expense of the last war with France had been borne by the colonies, "for which very little if any advantage hath ever accrued to themselves,"² and now this was the reward. The colonists were not even allowed to settle in the conquered regions although forced to pay additional taxes. "What will the people do for money after the new law goes into effect, for they can hardly pay their debts at present?"³ August 22, the *Gazette* gave an account of a meeting held by the freemen of Providence, at which a committee was appointed to instruct the Assembly how to act, "a proceeding this, that conveys the most lively idea of principles nobly patriotic and which will, it is to be wished, serve as an example to other towns to exert themselves at this crisis and to remind them they are entitled to all the privileges of British subjects as long as they are denominated such."⁴

The idea of violent resistance to the Stamp Act and the spectacle of a mass meeting giving instructions to a legal assembly were by no means popular with the conservative party in Philadelphia, and among others, Dickinson protested against such measures. He was not in favor of the proposition that business should continue to be transacted by the use of other than stamped paper. He had not at this time become convinced that extra legal action was necessary, and the result proved the truth of his belief. Later, in 1774, when it was necessary that Pennsylvania should present a united front in support of American resistance, Dickinson did not hesitate to assume the direction of a movement within the State which

¹ July 18, 1765.

² October 3.

³ June 13.

⁴ See accounts from other cities in *Gazette* of August 29, September 5.

was without legal sanction, nor to approve actions as radical as the use of unstamped paper. With the news of the repeal of the Stamp Act, the Assembly at once framed an address of thanks to the king and resolved, "That whenever his Majesty's service, for the future shall require the Aids of the Inhabitants of this Province, and they shall be called upon for that Purpose, *in a Constitutional Way*, this House and, we doubt not all future Assemblies, will think it their indispensable Duty to grant such Aids to his Majesty, as the safety of the Colonies requires, and the Circumstances and Abilities of this Province may permit, *unless the Proprietaries' Instructions to their Deputy Governors, respecting Proprietary private Interest shall continue to interfere.*"¹

The Assembly plumed itself upon its own quiet resistance in contrast with the more violent methods employed by other colonies, and thought such action would make it all the easier to bring about that change in government which it had long desired.² Many among the Pennsylvania leaders thought that the difficulties with England were over and that no renewal of them was to be apprehended. The Declaratory Act was regarded as a method of retreat which, if disregarded, would amount to nothing, but which, if noticed, might result in further friction.³ In reality, however, the colony had taken a forward step which could never be retraced.

The conflict over the Stamp Act was of international importance, because it showed the substantial unity of Americans regarding their relations to the British Parliament. The repeal of the measure taught them the increased strength which common action gave, and within particular colonies the struggle had a further significance, not at first apparent. The tax fell on persons engaged in commercial transactions and it

¹ June 6, 1766; Votes, V, 478. Italics are the authors.

² Votes, V, 502.

³ See Gazette, May 1 and 8, 1766.

had no more intense opponents than the propertied classes of Pennsylvania. With the ability to put their arguments in permanent form and with the stimulus of a financial grievance hurrying them on, the gentry of Philadelphia were induced to defend propositions regarding government which undermined their own position in the colony and were to be used in later years against their own dominance within the State. If the general rights of English citizenship forbade the exploitation of one portion of the empire by another, they also forbade the same proceeding within the State of Pennsylvania. If in financial action, the Assembly was determined to allow no outside interference, a remedy for colonial injustice must be sought by the discontented elements within the State, and as the union of all the colonies had secured the repeal of the Act against which protest had been made, so union of the various discontented factions might be of avail in the internal dispute. The power of illegal gatherings of the people had been illustrated in other colonies and even in the city of Philadelphia. More than this, there had appeared the first manifestation of a national government to which all Americans could appeal. Thenceforth colonial discontents had the foundation of national as well as popular sovereignty on which to rely.

CHAPTER VIII.

THE ARGUMENT OF REMONSTRANCE.

AUTHORITIES.

In addition to the authorities mentioned for Chapter VII, the following works may be cited:

The Political Writings of John Dickinson.

Eddis: Letters from America.

Graydon: Memoirs of His Own Times.

Westcott: History of Philadelphia.

Sharpless and Stillé remain the best secondary authorities for strictly local history, although considerable attention is given to Pennsylvania history at this period by the more general writers. Professor Tyler's discussion of the Farmer's Letters of Dickinson is not only exceedingly discerning, but is very interesting. Bancroft and Lecky also give a good review of the general situation.

With the repeal of the Stamp Act American victory seemed complete. The declaratory act injured no one, and the Pennsylvania Assembly turned with relief to the consideration of local affairs, but its attention was soon called away by the renewal of the international dispute. The emphasis which certain American writers like Dulaney, of Maryland, had placed upon the injustice of internal taxation, led the British Ministry to make its next trial for revenue in connection with foreign trade. Smuggling was guarded against, and new duties were levied on imports of glass, lead and tea.¹ These acts bore more hardly upon the prosperity of Pennsylvania than had the stamp tax, and this in itself would have increased the colonial dissatisfaction with British policy. But this was not sufficient. The spirit shown by the ministry in passing the Townshend duties heightened the opposition aroused by the taxation imposed. Irritated by the taunts of the minority in Parliament, the Chancellor of the Exchequer boasted that it would take more than words to induce the government to abandon its

¹ 7 Geo. III., chs. 41 and 46.

purpose of obtaining a revenue from America as had been done by the Rockingham ministry of the previous year. Townshend's official declaration united American opposition for it was felt that nothing short of colonial union would make colonial resistance effectual.

As in 1765, Pennsylvania furnished the theoretical defence of the American position. The Farmer's Letters began to appear in the Philadelphia newspapers early in December, 1767, and were reprinted throughout the colonies, as well as in England and France.¹ Much has been said in praise of the arguments developed by Dickinson in these papers and of their effect in America. With this every student will agree, but the ground had already been prepared. It should be remembered that the Americans never accepted the British interpretation of colonial rights and that any financial burden such as was imposed by these acts was especially grievous to a people who had been quarreling over questions of taxation for a century. In Pennsylvania the troubles over paper money² and the quartering of soldiers had kept alive the feeling against England, and there had been frequent hints that further parliamentary taxation was intended. As early as April the press declared that proposals for new taxes were being presented at London,³ and a little later the Gazette confirmed these declarations by printing a summary of the arguments advanced by Franklin and the Board of Trade regarding these proposals.⁴ On June 11 the same paper remarked that in England "there are great heats on the American affair," and the atmosphere was no cooler west of the Atlantic.

At times it was thought that Parliament might recognize the justice of the American position and be content to ask

¹ Pennsylvania Chronicle, December 2; Pennsylvania Gazette, December 3, 1767.

² The colonial issues had been deprived of their legal tender quality by the home government.

³ Gazette, April 23, 1767.

⁴ May 14, 28; June 4.

aid from the provincial legislatures. In July there was an account given of the debate on George Grenville's motion "to oblige the Americans to take an oath of allegiance and obedience to the Parliament of Great Britain," and "when it was put to vote there were found to be for the question ninety, against it one hundred and eighty odd." In a later issue the Gazette stated that an act compelling all Americans to subscribe to a declaration that Parliament had a right to tax America in all cases whatsoever, had been defeated. Thus the hope that America's friends might control English policy and that the king's influence might be found on the colonial side was encouraged. In August¹ the bill for duties on tea, glass, etc., was given, but "it was hoped it would not come to anything." Public opinion, however, recognized that matters were again becoming serious, and with this recognition frequent letters from Boston and Charleston were printed which fostered the spirit of freedom and gave repeated threats of resistance to attempted tyranny.²

October 15, 1767, the London letter in the Gazette declared that "the opposition to America seems to increase," and in November accounts were given of the New England town meetings addressed by Otis and other speakers, not only in opposition to the terms of the revenue law, but to its object. With this increased revenue, they said, the Crown purposes to endow our governors, who in their turn "aim to be permanently independent of the Assembly." In December the Farmer's Letters began to appear, and soon they received the powerful support of Lord Camden's speech against the principles of the declaratory act.³ In his view taxation and representation were inseparable. "This position is founded on the laws of nature, nay more, it is itself an

¹ Newspapers July 16 and 26, August 20 and 27.

² Gazette, September 17, 1767.

³ Pennsylvania Gazette November 12 and 19, December 31.

eternal law of nature. For whatever is a man's own is absolutely his own. No man has a right to take it from him without his consent either expressed by himself or by his representative. Whoever attempts to do it attempts an injury, whoever does it commits a robbery." If these words did not recognize the existence of a principle back of and superior to law, no American writer or speaker can be said to have made such a distinction, and the principle found ready acceptance in Pennsylvania.

In the *Farmer's Letters* Dickinson based his argument on the distinction between legislation in which the raising of revenue was the primary object, and legislation whose object was the regulation of trade or the securing of justice. "Parliament has no power to lay upon these colonies any 'tax' whatever, that is, any imposition upon the subject for the sole purpose of raising money." He thus differed fundamentally from the English theory of law according to which there was no limit to parliamentary authority. In so far therefore as he placed "the constitution" above "the law," he was in harmony with other American leaders, and the fact that he placed the constitutional limitation at a different point than they, does not make his position less radical. As a matter of fact, the distinction between taxation for the purpose of revenue and that for the purpose of trade, was weaker than the distinction between taxation and no taxation, and much less defensible than the claim that "our provincial legislatures are the only supreme authorities in our colonies."¹

Early in the struggle Dickinson had said in regard to colonial rights:² "I hope these colonies will never, to their latest existence, want understanding sufficient to discover the intention of those who rule over them, nor the resolution necessary for asserting their interests. They will always

¹ John Adams in *Novanglus*.

² *Works*, I, 202.

have the same rights that all free states have, of judging when their privileges are invaded." The course which such resistance should take he had already discussed: "Every government at some time or other falls into wrong measures. This may proceed from mistake or passion. But every such measure does not dissolve the obligation between the governors and the governed. The mistake may be corrected; the passion may subside. It is the duty of the governed to endeavor to rectify the mistake and to appease the passion. They have not at first any other right than to represent their grievances and to pray for redress, unless an emergence is so pressing, as not to allow time for receiving an answer to their application, which rarely happens. If their applications are disregarded, then *that kind of opposition* becomes justifiable which can be made *without breaking the laws or disturbing the public peace*. . . . If at length it becomes undoubted that an inveterate resolution is formed to annihilate the liberties of the governed, English history affords frequent examples of resistance by force."¹

Thus the ultimate remedy of the Pennsylvanian was the same as that proposed by his more radical fellow-countrymen. Pamphlets urging colonial rights were in circulation in Philadelphia, and Dickinson must have seen that when constitutional resistance failed some other mode must be attempted. In number eleven of the Farmer's Letters he wrote,² with reference to the revolution of 1648 in England: "On the other hand, oppressions and dissatisfactions being permitted to accumulate—if ever the governed throw off the load they will do more. A people does not reform with moderation." "It was in vain for prudent and moderate men to insist in 1648 that there was no necessity to abolish royalty. Nothing less than the utter destruction of monarchy, could

¹ Works, I, 169. Italics are the authors.

² Works, I, 256.

satisfy those who had suffered and thought they had reason to believe they always should suffer under it." Occasionally Dickinson seemed to agree that a similar crisis had come in America. When in 1774 he "heartily concurred" in the calling of a state convention, the basis of whose election was the district committees, and whose object was undoubtedly to dictate to the regular Assembly, if not to replace it, he was practically aiding a revolution.¹ Whatever his intention, he was playing with fire in arousing his colony in such a manner. In no State was there a larger percentage of non-English races and non-English religions than in Pennsylvania. Germans, Dutch, Swedes, Welsh, Scotch and Irish formed a majority of the inhabitants, and none of these elements felt any identity with England. At no time had they more than a passive spirit of attraction to Great Britain, and nothing could have been more active than the opposition of the Irish or German element when once aroused.²

Evidence of the popularity of the Farmer's Letters is easily obtained and it is not surprising that they were eagerly read by Americans. Whether they were regarded as the formal statement of the colonial argument or were considered as preliminary to an appeal to force they were equally effective. All Americans were willing to uphold their position by logic and some would go further. These letters called forth violent harangues on the ultimate necessity of forcible resistance even in Philadelphia, while elsewhere the author was assumed to be willing, if necessary, to follow the example of the English Puritans.³

The applause which Dickinson received led him to overestimate his influence and he was later to find that he had furnished arguments for a movement which he was unable to

¹ See Charles Thomson's statement, Stillé, p. 345.

² See on this point the Penn. Mag. of Hist. and Biog., of January, 1899; and Graydon, Memoirs, p. 106.

³ See A Freeborn American in Pennsylvania Gazette, February 18, 1768.

check. The protests from Massachusetts and Virginia were framed by men no less skillful in expression than was the Pennsylvania leader, and they had the advantage of being willing to follow their argument to its logical conclusion. Massachusetts declared: "The superintending authority of his majesty's high court of Parliament over the whole empire in all cases which can consist with the fundamental rights of the constitution was never questioned in this province,"¹ but when those constitutional rights were violated the northern leaders did not hesitate to resist. Dickinson did his work in convincing the people that Parliament was not omnipotent. Once confirmed in this belief they could be relied upon to fix the limit of its power in accordance with their own ideas of colonial interest. By the writings of Locke, of Montesquieu and of Sydney the readers of the Farmer's Letters had already ascertained the way in which the English Constitution came into existence; their own charters and history had taught them that there was an authority superior to the legislature, and now they were shown that Englishmen had not hesitated to overthrow the monarchy when it stood in the way of justice. The illustration was taken as a model. Dickinson argued that the least infraction of a rule was the greatest danger, for the commercial classes could with difficulty be persuaded to resist such an invasion until a precedent had been established,—a very effective argument in Pennsylvania,—and finally he clearly demonstrated that economic necessity demanded financial legislation by persons familiar with colonial needs and by them alone. Having succeeded in confirming the opinion already prevalent in America that England's action was unjustifiable on constitutional or historical grounds and that it was economically ruinous to America, Dickinson recommended English history as the text-book of future action, seeming to forget that the Puritan and Stuart

¹ Protest and Letter in Pennsylvania Gazette, April 14, 1768.

rebellions had given the English throne during the seventeenth and eighteenth centuries the reputation of being the most unstable in Europe. It was neither constitutional resistance nor defensive war that had twice overthrown the Stuart dynasty in England, and there were leaders in Pennsylvania as there had been in England who would not see in fruitless remonstrances the true remedy for grievances against either the colonial or the national government.

According to the good old English custom the people as well as the assemblies began to organize movements against the British policy. On April 25, 1768, a meeting of the merchants of Philadelphia was held, at which resolutions, probably framed by Dickinson, were adopted protesting against various English laws. First, the law of 1749, forbidding the making of steel or the erecting of steel furnaces was mentioned, for "there are not above five or six persons in England engaged in that branch of business who are so far from being able to supply what is wanted that great quantities of steel are yearly imported from Germany." Other laws protested against were those forbidding plating and slitting mills and tilt-hammers, "though iron is the produce of our own country and from our manner of building, planting and living we are under the necessity of using vast quantities of nails and plated iron;" those restraining hatters and prohibiting the export of hats; those prohibiting the colonial trade in wool and woolens, and those prohibiting exports to Europe except through England. Other grievances were the duties on sugar, molasses and imports from Europe and East India, and the practice of transporting criminals to the new world. The protest closed with an appeal to Americans "never to forget that our Strength depends upon our union and our Liberty upon our Strength."

Practically the same arguments were advanced in the Assembly. On May 20, 1768, the speaker laid before the house a

letter from the Massachusetts Legislature which described the action of that body on the question of colonial privileges. Disavowing all desire to dictate,¹ the New England body declared it unconstitutional for Parliament to tax imports in both England and America. The British Constitution recognized that America, because of distance and local circumstances, never could be equitably represented in the British Parliament. The rights of nature and the rights of Englishmen were considered as identical in the assertion "that it is an essential, unalterable Right in Nature, ingrafted into the British Constitution as a fundamental Law and ever held

¹ The letter which the Massachusetts Assembly sent out assured the other colonial bodies that no intention of dictating the proper course was intended—[Pa. Archives, IV, 286].—"The House is fully satisfied that your Assembly is too generous and enlarged in sentiment to believe that this Letter proceeds from an ambition of taking the head or dictating to the Other Assemblies. They freely submit their opinion to the Judgement of Others and shall take it kind in your House to point out to them anything further which may be thought necessary." The Colonial Records—[April 21, 1768,]—contain the letter of Lord Hillsborough to the Governor of Pennsylvania regarding this communication from Massachusetts. After expressing his confidence that the Assembly would pay no attention to "this unjustifiable attempt to revive those Distractions which have operated so fatally to the prejudice of this kingdom and her colonies," he added that if the Assembly should show a disposition to attend to it, "it will be your Duty to prevent any proceeding upon it, by an immediate Prorogation or Dissolution." The Pennsylvania Assembly seems to have agreed with the Massachusetts sentiments. Speaking of New England's influence in 1768, Gordon in his *American Revolution* (I, p. 219) says: "The New England spirit of patriotism and economy was greatly approved of at Philadelphia; and it was said, that 'if America is saved from its impending danger, New England will be its acknowledged guardian.'" Dickinson himself wrote in reply to New England commendation of his *Farmer's Letters*: "Never will my heart become insensible, till insensible of all worldly things, of the unspeakable obligation I owe to the inhabitants of the Massachusetts Bay, for the vigilance with which they have watched over, and the magnanimity with which they have maintained the liberties of the British colonies on this continent." Not until New England measures had become connected in their mind with Pennsylvania democracy did the Pennsylvania merchants resent her supremacy. From then the Boston patriots were represented as men of low birth, unable to restrain their passions and allied with the "Presbyterian and democratic rioters" of their own colony.

sacred and irrevocable by the subjects within the Realm, that what a Man has honestly acquired is absolutely his own, which he may freely give but which cannot be taken from him without his consent; that the American Subjects may therefore, exclusive of any consideration of Charter Rights, with a decent Firmness adapted to the Character of Freemen and Subjects assert their *Natural Constitutional Right*. . . . The Supreme legislature derives its Authority from the Constitution and can not overleap the Bounds of it without destroying its own Foundation."

On September 13, 1768,¹ after the summer adjournment, a letter was presented to the Assembly from Lord Hillsborough which spoke of the communication from Massachusetts as a "measure of most dangerous and factious tendency," and with it a message from the House of Representatives of Virginia differing little in tone from the earlier New England communication. The reply of the Pennsylvania Assembly to Lord Hillsborough may be found in the resolutions of September 16,² which declared "that it is the undoubted Right of the Assemblies of this Province to correspond with the Representatives of the Freemen of any of his Majesty's Colonies in America, relative to Grievances which may affect the General Welfare of those Colonies." To the threats of adjournment and dissolution which the Secretary had empowered the Governor to use, the representatives replied by asserting that "the Governors of this Province have not any constitutional Authority to prorogue or dissolve the Colonial Assembly."

The Pennsylvania legislators made their attitude very clear regarding the matter at issue between England and America. In their opinion, the position taken by the English Parliament was in manifest violation of those rights of man which the English Constitution had recognized as the heritage of Eng-

¹ Votes, VI, 63.

² Votes, VI, 93.

lishmen. Other nations might have allowed those rights to fall into abeyance but the emigrants to America had left England to prevent this unhappy result. In America, these rights had not been taken from them and they had been "under a firm Persuasion that the Enjoyment and full Exercise thereof would be continued down to your People of this Colony, and their latest Posterity. . . . This taxation, we most humbly apprehend, is destructive of those Rights and that Freedom which they are by Birth intitled to, as Men and Englishmen." These rights, "have been recognized by long established Usage and Custom ever since the Settlement of this Province, without one Precedent to the contrary, until the passing of the Stamp-Act."¹ In its address to the Commons, the Assembly declared that the motives under which their Ancestors came to this wilderness "were not only to enlarge the British Empire but to enjoy that perfect security of Liberty to which they were entitled as British Subjects in their Native Land." Arguments against the economical inexpediency of the British measures were not put in the petition, "lest seeming to rely on the latter" the constitutional argument should be weakened. The argument of the Assembly found further expression in the press and pamphlet literature of the time. Alone among the nations of Europe the English had taken care never to delegate the taxing powers to an irresponsible parliament nor to the king. When the king owned large estates of land he had power to use the rentals as he saw fit and if the later land holders wished to grant him aids they could do so, but that was no proof that taxation and legislation were synonyms.²

The attitude of Benjamin Franklin at this time is a good

¹ Votes, VI, 103.

² Among other writers who were educating the people of the middle colonies along the lines of government by their own right may be mentioned Richard Bland, of Virginia, whose pamphlet of 1769 entitled "An Enquiry into the Rights of the British Colonies," had a considerable circulation in Philadelphia,

indication of the change of sentiment which was taking place in Pennsylvania. A few years before, he had doubted whether Philadelphia would make or even attempt any effective resistance to the Stamp Act. He had therefore at that time counseled submission to English demands. By 1767 he began to realize that there was fertile ground in America for the growth of a new nation, and he wrote to Lord Kames:¹ "Every Act of oppression . . . will hasten their final revolt: for the seeds of liberty are universally found there and nothing can eradicate them." His cautiousness is seen in his letter recommending Pennsylvania to adopt the Boston resolutions to use home manufactures, to be frugal and import little, but *give as the ostensible reason for frugality a desire to save in order to pay English debts.*² A little later he had come to believe that "the government[*of America*] can not long be retained without Union" (*i. e.*, representation in parliament), and by 1769 he³ was an advocate of colonial independence from the British legislature. This shows on the one hand an advance in sentiment in Pennsylvania, for Franklin did not keep much ahead of the people whom he represented, and on the other it is evidence of a greater advance soon to follow, for his teaching was accepted by the more moderate classes with great respect.³]

Meanwhile, in Maryland, and more particularly in such sections of the colony as had close relations with Pennsylvania,

and whose sentiments were frequently quoted by other writers. He maintained, as a fundamental premise, quoting Locke and Vattel as his authority, that all governments were founded upon the consent of the governed and that Parliament, as representing the people, could not deprive a part of that people of the rights of election and representation. People continuing to live in England consented to virtual representation but those going to colonies dissented and, therefore, were not bound by Parliament.

¹ Works, Bigelow edition, III, 8.

² Works, III, 61. Italics are the authors.

³ A few quotations from his writings of this period are given. To William Strahan, November 29, 1769 [Works, IV, 290]: "A submission to Acts of Parliament was no part of the original constitution." Only by the very wisest use

the sentiment of hostility to Great Britain was advancing yet of the power claimed by Parliament could it, in Franklin's opinion, be made a part of the frame of government accepted in America.

"The Parliament of England never presumed to interfere in that prerogative [the government of the colonies] till the time of the great rebellion. . . . The colonies that held for the king they conquered by force of arms and governed afterward as conquered countries, but New England not having opposed the Parliament (*i. e.*, as an executive in place of Charles), was treated and considered as a sister kingdom" [Works, IV, 292].

"Our kings have ever had dominions not subject to the English Parliament. At first the provinces of France, of which Jersey and Guernsey remain, were always governed by their own laws, appealing to the king in council only and not to our courts or the House of Lords." In Scotland and Ireland, the Colonies, Hanover, he continues, each assembly is *absolute*. "This is the only clear idea of their real present condition. Their only bond of union is the King" [Works, IV, 309].

"They [Parliament] may still if it pleases them keep up their claim to the right of granting our [money] . . . a right that can be of no good use to them" [Works, IV, 295]. "The Americans think that while they can retain the right of disposing of their own money they shall thereby secure all their other rights. They have therefore not yet disputed your other pretensions" [Works IV, 311]. "The Charters can not be altered but by consent of both parties, the King and the colonies" [Works, IV, 303]. "The king can not bring troops raised in Ireland and quarter them in England but with consent of Parliament," [307] arguing from this that the consent of Assemblies is necessary in America. "It is doubted whether any settlement of the crown by Parliament takes place in the colonies otherwise than by the consent of the assemblies there. Had the rebellion in 1745 succeeded so far as to settle the Stuart family again on the throne by act of Parliament, I think the colonies would not have thought themselves bound by such an act" [Works, IV, 301].

There are also expressions such as these in his writings :

"If you break the Charters or violate them you dissolve all ties between us" [Works, IV, 317]. In 1771, Franklin wrote to Cushing [February 5 ; Works, IV, 378]: "The doctrine of the right of Parliament to lay taxes on America is now almost generally given up here and one seldom meets in conversation with any one who continues to assert it." He considered the dignity of Parliament as the reason preventing a formal renunciation. In regard to petitions he said [p. 313]: "Late experience has fully shown that American petitions and remonstrances are little regarded in Britain." His claim for Americans is not merely a position as good as that of Englishmen. "They may challenge all that was promised them by charters to encourage them to settle here. They have performed their part of the contract and therefore have a right to expect the performance of the other part. They have by the risks and expenses they have incurred, additional merit and are therefore to be considered as *above the level of other subjects*" [Works, IV, 316].

more rapidly than in the northern colony. By their action at this time, the Marylanders were setting a precedent which was later followed in Pennsylvania, a precedent which enabled the country districts to obtain an influence of which unjust representation had deprived them. On June 20, 1769, country gentlemen from all over the province came as delegates to a convention at Annapolis, and there passed sweeping resolutions against imports, and at the same time forbade the merchants raising prices in the colony because of scarcity of goods. No deviation from their regulations was to be allowed until either the British Parliament retracted the offensive laws or a meeting of the whole province demanded such action. As an outcome of this extra-legal assemblage, the Lower House of the Maryland Legislature, at its next session in November,¹ passed resolutions modeled upon those of Virginia and sent them to the Pennsylvania house.²

The Upper House at first attempted to defeat the action of the Assembly, but a mass meeting in Annapolis supported the Convention and Assembly, so that the council was forced to yield. Eddis, in his *Letters from America*, said of the movement in Maryland:³ "It is a certain fact that the statute imposing duties on glass, paper and tea has undermined the foundation of the cordiality which the repeal of the Stamp Act had happily re-established. . . . A spirit of discontent and disunion is universally predominant."

Both in Maryland and Pennsylvania this discontent and disunion were most marked among the producing classes. The merchants protested against the Acts of Parliament, but their relations with their fellows in London, the fact that such taxes fell upon the consumer rather than upon themselves, and their rivalry for the provincial trade, make their resistance

¹ Proceedings of 1769, p. 248. Vote of December 20.

² The Maryland counties had by individual action forbidden English imports even before the meeting of the Annapolis Convention.

³ Page 62.

less enduring than that of other elements among the people. From the outset the merchants relied on the protests which the English trade interests were making to the king,¹ and when those protests seemed to fail there was a general weakening. Indeed, the Quaker business houses seem to have disapproved of opposition from the beginning, and where individuals took a more resolute attitude they were among the first to weaken.²

With this falling away of the traders the great consuming classes had no sympathy. Increase in the price of imports began to be charged against the merchants as well as against the tax. The popular spirit became aroused, the extra-legal movement was taken up and threats of violence were made to hold the merchants in line. Whatever may be said of the attitude taken by the conservatives, the radicals did not insist upon legality so much as upon effectiveness. Old jealousies were revived as soon as the aristocratic classes began to weaken, and the movement against England coalesced with the movement against the colonial government.

¹ See the quotations from the Public Ledger and other articles in the Pennsylvania Gazette, April 20, 1769.

² Graydon, Memoirs, p. 104. The weakening of the merchants of Philadelphia is reflected very clearly in the press. In October, 1769, there is a jubilant account of the forced return to Great Britain of a vessel loaded with English merchandise. The reason why no English goods could be landed had been explained by the Philadelphia merchants in a letter to their London brethren in August. In May of the next year fifteen dealers assert: "We are very sensible that the prosperity of the colonies depends upon their Union and Connexion with Great Britain. . . . *Nothing less* than a repeal of *all* the revenue acts and putting things on the same footing they were before the late innovations can or will satisfy the minds of the people. . . . The merchants here and in England are the links that bind the countries together."

Small sales and decreased profits soon changed this attitude of resolution. It was recognized that the merchants could be trusted to oppose Parliament only so long as the London dealers did the same, and by October, 1770, the hope was expressed that in spite of the weakening of the merchants, the consumers at least would remain true to American ideals—[Gazette, 1769, October 5; 1770, May 10; 1770, October 11].

CHAPTER IX.

THE LAW AND THE CONSTITUTION.

AUTHORITIES.

The pamphlets and newspapers as mentioned: Reed's Life of Reed; Watson's Annals; Charles Thomson's Statement; Well's Life of Samuel Adams; Austin's Gerry; The Works of John Adams; The Colonial Records; The Letters of Thomas Wharton, and Westcott's History of Philadelphia. Sharpless and Stillé give the best secondary accounts of this period.

When the ship "Charming Polly" came to Philadelphia in July, 1769, with a cargo of malt consigned to Amos Strettel, a meeting of the citizens was immediately held at the State House. This gathering resolved that any person engaged in purchasing, selling, handling or storing the cargo had not "a just sense of liberty" and "was an enemy to his country." Strettel declared that he knew nothing of the consignment, the brewers of the city agreed neither to purchase nor to brew any part of the malt, and the ship was compelled to return with her cargo untouched. Concerning these actions, Israel Pemberton wrote to his brother on July 24: "The imprudent conduct of the committee, of which John Reynell is unhappily the first, both filled us with trouble and difficulty. If thou seest the papers thou wilt find they have been so wild as to collect ye inhabitants, and by their resolves oblige an honest man from Yarmouth with a cargo of malt (a commodity much wanted) to take back his cargo. They are brought to see their folly, but can not now remedy it nor prevent much disgrace falling on ye city and partly on Friends by the part they have acted therein."

Succeeding months proved the truth of Pemberton's final statement, for as the non-importation agreement began to diminish the profits of the merchants without producing the desired effect upon England, the commercial classes grew

lukewarm in its support. On July 14 the meeting at the State House had resolved: "that the non-importation agreement entered into by the merchants and traders is a safe and peaceable way of asserting right; that the good effects of the measure will depend on perseverance, and the strength of the colonists consists in their union." In September, sixteen merchants informed the merchant committee that they had suffered enough for adherence to an abstract principle, and demanded an inquiry to see whether or not the non-importation agreement should be abandoned. Although the committee refused to go around and gather individual opinions on this question, the dissatisfied merchants were not to be balked from securing their desire. On September 20, 1770, the discontented traders held a meeting at Davenport's tavern, and "it was determined by a great majority" that the non-importation agreement as it then stood should be altered and that "the alteration proposed should be to open the importation of goods from Great Britain and other parts of Europe, except teas and such other articles as may be subject to duties for the purpose of raising a revenue in America." The gathering declared further: "It will not be for the reputation of this city to consult the other colonies before any breach is made in the present agreement." Some of the committee attended the meeting and tried to prevent this radical action, but they were defeated, and the practical breaking down of the agreement was carried by a vote of 89 to 45.¹ Upon this vote being

¹ The action of the merchants in rescinding the agreement called forth a protest from "Citizen." He declared that non-consumption must now take the place of non-importation. "We should readily have adopted the political creed of our patriot farmer and most heartily joined with him in wishing that the colonies might be dependent on the mother country 'as far as one free people can be dependent upon another,' nor would any real friend of America have desired to suggest a thought of INDEPENDENCE while there was the least hope of maintaining a CONSTITUTIONAL CONNECTION." From this it is evident that as early as 1770 there were some in Pennsylvania who saw the probable result of the quarrel between England and America—[*Pennsylvania Gazette*, October 11, 1770].

taken, all but one of the members of the committee who had signed the protest against this irregular action resigned their positions.

Meanwhile the supporters of the trade war against England were using two methods to maintain their position. "Tradesman" and other writers denounced the meeting at Davenport's as a sacrifice of the "credit and liberties of the province of Pennsylvania to the interests of a few merchants in Philadelphia" and as "an exchange of our birthright privileges for the paltry luxuries of Great Britain." "Shall the grand question whether America shall be free or not, be determined by a few men whose support and importance must always be in proportion to the distresses of our country?" These remonstrants were willing that the agreement which Maryland had adopted should be the model for Pennsylvania, but they considered it disgraceful for a few merchants of the city to break down all trade barriers without consulting other colonies or even the people of Philadelphia itself. As a result of this sentiment a meeting was held at the State House and to the members who had resigned at the earlier meeting nine others were added, the whole forming a new committee to secure a new agreement. The principles adopted were the maintenance of the constitutional rights of the colonies, united action on the lines followed by Maryland, and the support of the merchants and traders signing the new plan.

Another method by which it was sought to maintain a firm front against legal importation was the encouragement of smuggling. No article that had paid the king's duties could be used by patriots, but the same article was highly enjoyable in case it came up the Delaware or Chesapeake untouched by the revenue officials.¹ Informers against the smugglers

¹ "There was no want of tea here. Plenty could be had at five shillings a pound, presumably Dutch"—[Ettwein's Narrative. See also *A Brief Account of the Disturbance in America*].

received harsher treatment than did the men who opposed the non-importation agreements. Both the *Gazette* and *Chronicle* gave their readers full accounts of the punishment of John Keats, who was guilty of this crime against the people. In November, 1771, a much more serious offence occurred. The smuggling along the Delaware had become so marked that the revenue collector had put a light vessel into service to break up the practice. On November 23, Thomas Mushett, captain of this vessel, captured a pilot boat coming up the river, bringing thirty-six boxes of tea, sixteen boxes of claret and some gin—"a variety of contraband goods," as Collector Swift expressed it in his report to the governor. Owing to the tide, the schooner and her prize could not reach the city that day, but anchored some miles below at Red Bank, "after setting one of the men who worked the said pilot boat ashore at his own request. . . . Between nine and ten o'clock the same night," continues the report, "the boat was boarded by upward of thirty Men in disguise, armed with Cutlasses, Clubs, and other Offensive Weapons, who violently attacked and cruelly cut and wounded the said Thomas Mushett and two of his People, and confining them and the rest of the crew in the Hold of the said schooner, did considerable damage to her by cutting her Sails and Rigging, &c., and afterward Rescued and carried off the said Pilot Boat with her lading."¹ Although Governor Penn issued a proclamation against the offenders they were never apprehended. The next year a more powerful vessel was placed in commission to enforce the revenue laws, and at once complaints were made that the officers "fire at, bring to, ransack and swear and tear at every vessel, shallop or flat that they can lay their eyes on, stopping men in their lawful business, putting his majesty's subjects in fear of their lives and liberties, and in a most underhand manner take every low means to obtain intelligence." Yet the practice of smuggling was by no means broken up.

¹ Colonial Records, X, 8-15.

Meanwhile the trade regulations had been again considered by the Assembly. February 4, 1771, "upon motion by a member that part of the Duties imposed by a late Act of Parliament on certain articles imported into the Colonies remains unrepealed and that great danger to the Rights of Americans is justly apprehended from the continuance of such a precedent for taxing them without their consent," a committee was appointed to frame a petition to the Crown for relief. In this petition (March 5) it was again asserted that "we demand no new right but that which we constantly till of late enjoyed." No further official action was taken by the Assembly until after the passage of the Boston Port Bill. Resolutions were received from other colonial assemblies and were read to the Pennsylvania House on September 21, 1773, but as it was then on the point of adjourning, the Assembly referred these messages to its successor.¹ That body in turn took no decisive action upon them, although on December 15 it received the resolutions of Delaware (of October 23) and on January 18 those of Maryland (of October 15). During this period popular indignation was becoming more and more aroused.²

Although there was a large amount of tea consumed in Pennsylvania during these years, comparatively little paid any import duty. To persuade the people to accept the principle of parliamentary taxation, and at the same time to concil-

¹ Votes, VI, 462.

² Other resolutions received by the Pennsylvania Assembly were those of Virginia, passed March 12, urging the establishment of a Committee of Correspondence; Massachusetts, passed May 28; Connecticut, passed May 21; Rhode Island, passed May 7; all of which supported the Virginia suggestion. It is significant of the influences most important in Pennsylvania at this time, that Thomas Wharton, hardly mentioning the northern colonies, declared, in a letter to a friend (June 10): "We follow after Virginia and Maryland, and on the 15th a general meeting is to be held in this city, when it is not doubted that the greatest numbers will attend that was ever known on any occasion"—[Wharton Manuscript in Library of the Historical Society of Pennsylvania].

iate the powerful East India Company, the English ministry agreed to exempt such tea as was exported from England from the home duty. This enabled the British merchants to sell tea in Philadelphia lower than at home and smuggling became no longer profitable. At once an effort was made again to build up the colonial trade but the Americans were alive to the importance of the occasion. The press gave warning that importations might be expected,¹ and it was intimated that the merchants to whom the tea was consigned occupied the same position of hostility to American interests that Hughes and the other stamp agents had held in 1765. It was urged that they should be waited upon and persuaded to send back the consignment, and if unwilling, they should be compelled to act like men. In furtherance of this program, there were articles by "Scaevola" and "A Countryman," who hoped that the warehouses in which the tea was to be placed were "properly constructed." They must be "great curiosities; doubtless they are built of stone or petrified wood called asbestos, in which case they will be secured from trifling accidents . . . for they might pass through the fire and not be consumed."² Other articles on the duty of true and patriotic

¹ Gazette and Chronicle; June 23, August 11, September 27, 1773.

² The following is Reed's opinion of American feeling at this time, given in a letter to Dartmouth of December 22: "The [Tea] Act being expressly declared to be for the purpose of raising a revenue in America, has been generally considered as a law imposing a tax without the consent of the Americans and therefore to be resisted. The reasoning upon which this inference is drawn is founded on the distinction between duties for the regulation of trade and raising a revenue, and upon the obligation of the colonists to take those articles from Great Britain only. Notwithstanding the many objections to which these positions are liable among speculative men, they are too grateful to America not to be universally received and practiced upon." On the 27th he wrote: "Any further attempt to enforce this act, I am humbly of opinion, must end in blood. We are sensible of our inability to contend with the mother country by force, but we are hastening fast to desperate resolutions, and unless internal peace is speedily settled, our most wise and sensible citizens dread the anarchy and confusion that must ensue. This city has been distinguished for its peaceable and regular demeanor . . .

Pennsylvanians were by "Mechanic," "Amicus" and particularly "Rusticus," who, from his position in the country, advised the city to be strong.

A public meeting to protest against the importation of the tea was held on October 18, at the State House, and in true town meeting style it was resolved:¹ (1) "That the disposal of their property is the inherent right of freemen; that there can be no property in that which another can of right take from us without our consent; that the claim of Parliament to tax America is, in other words, a claim of right to levy contributions upon us at pleasure. (2) That the duty imposed by Parliament upon tea landed in America is a *tax* on Americans or levying contributions upon them without their consent. (3) That the express purpose for which the tax is levied upon the Americans, namely, for the support of government, administration of justice, and defence of his Majesty's dominions in America, has a direct tendency to render Assemblies useless and to introduce arbitrary government and slavery. (4) That a virtuous and steady opposition to this ministerial plan of governing America is absolutely necessary to preserve even a shadow of liberty, and is a duty which every freeman in America owes to his country, to himself, and to his posterity. (5) That the resolution lately entered into by the East India Company to send out their teas to America, subject to the payment of duties on its being landed here, is an open attempt to enforce this ministerial plan and a violent attack upon the liberties of America. (6) That it is the duty of every man to oppose this attempt. (7) That whoever shall, directly, or indirectly, countenance this attempt, or in any wise aid and abet in unloading, receiving or vending the tea sent or

but the frequent appeals to the people must in time occasion a change, and we every day perceive it more and more difficult to repress the rising spirit"—[*Life of Reed*; I, 51 and 55].

¹ *Pennsylvania Gazette*, October 20 and December 29, 1773.

to be sent out by the East India Company while it remains subject to the payment of a duty here, is an enemy to his country. (8) That a committee be immediately chosen to wait on those gentlemen, who, it is reported, are appointed by the East India Company to receive and sell said tea, and request them, from a regard to their own character and the peace and good order of the city and province, immediately to resign their appointment."

In considering these resolutions it should be noted that the public was called upon to support an entirely illegal gathering and a committee was authorized, under a scarcely veiled threat of violence, to compel merchants to act as the well-being of the state demanded. In other words, an absolute usurpation of executive authority was directed, on the plea that constitutional right was endangered.

Among the supposed consignees of the expected cargo no one was more suspected than the aristocratic Thomas Wharton, —the Marquis of Barrataria, as Goddard had called him. His bearing at the time of the Stamp Act had not endeared him to the populace, and the Chronicle notified him that he now might partially atone for his conduct at that time. Tar and feathers were said to be the portion of any pilot who guided the ship up the river, and the "Committee for Tarring and Feathering" announced "that whoever is committed to us as an Offender against the Rights of America will experience the utmost exertion of our abilities."¹

¹ Although Wharton was probably somewhat affected by the rumors of the treatment reserved for merchants receiving the British tea, he had other reasons for assuming an attitude different from that of 1765. He had formed a company to take possession of lands in the west, from which the proclamation line had excluded him, and his trade profits had been decreased by the lack of protection from the Indians [Gazette, February 25 and March 3, 1768]. Wharton was very desirous to smooth over the trouble between king and colony, and for the accomplishment of this aim it was necessary to remain on fairly good terms with both parties to the dispute. He was sufficiently shrewd to see that unless matters were very carefully managed there would be an open break with England. In

A letter to the captain of the "Polly Ayers" was given to all pilots on the river, and they were requested to furnish him with a copy as soon as possible. In the letter this pleasant question was asked: "What think you, Captain, of a Halter round your Neck, Ten gallons of liquid Tar decanted on your Pate, with the Feathers of a dozen wild Geese laid over that to enliven your Appearance?" The news of the treatment which the tea consigned to Boston had received (December 16) was the cause of much congratulation, and when the "Polly Ayers" came to port at Chester on December 25 the city was ready. A town meeting was at once held, at which Captain Ayers was present, and the sentiment of the city expressed in no uncertain manner.¹ Among other resolutions it was voted "that this Assembly highly approves of the conduct and spirit of the people of New York, Charleston and Boston for their resolution in destroying the tea rather than suffer it to be landed." Captain Ayers was thoroughly impressed with the vigor shown by the meeting and consented to return at once to England with his cargo untouched.

Many persons in the city did not approve the action of the town meeting, and some approved still less the measures taken at Boston, although the Philadelphia gathering had applauded them. It was therefore an interesting question what attitude Philadelphia would take when she heard of the punishment received by the New England city in the form of the Boston Port Bill. Should Massachusetts be supported

this case he would lose all trade advantages and might suffer personal injuries. He therefore sought to moderate the current of popular feeling, and several times in his letters to his brother or to friends in England, who were surprised at his serving on city and county committees, he declared that he accepted such positions only to prevent too violent action [See the Wharton Letters in the Library of the Historical Society of Pennsylvania].

¹ The meeting was held December 27. See the account of it in the *Gazette* of December 29.

even if such support involved the use of force?¹ The first notice of England's action came in May. The Assembly, on January 22, had adjourned until September, so that nothing could be expected from that body, but the people had become so accustomed to express their sentiments by town meeting that the absence of the Legislature caused no great inconvenience. A meeting of the citizens was called for the evening of May 20, at the City Tavern. According to Watson,² "some leading men of closer and steadier observation entered into a concerted scheme to produce a great political change," and called the meeting that the leadership of Philadelphia and Pennsylvania might be recognized. "These men were the Hon. Charles Thomson, John Dickinson, Esq., Governor J. Reed and General Thomas Mifflin." William B. Reed, in his life of Joseph Reed, gives a somewhat different account.³ On the receipt of the Boston circular, which showed how essential it was that immediate action be taken to support that city, "Reed and Mifflin, who alone appeared to have received private advices, together with Charles Thomson, who had for many years occupied a conspicuous rank among colonial politicians, conferred immediately as to the proper course to be pursued, and determined on calling, on the evening of the same day, Friday, May 20, 1774, a meeting of the citizens in the long room of the City Tavern." On coming to this conclusion they went out to see Dickinson "with the view to ascertain what his decision was, and, in case of any reluctance, to endeavor to remove it. They remained

¹ On January 31 Thomas Wharton wrote to a friend in London: "I cannot help being desirous to know how Dr. F. [Franklin] will stand his ground and support the measure of the Bostonians, as I presume the ministry can never suffer him to justify, and he with his son to hold two such lucrative offices under the crown; and if he does not justify the measure it may lose him his agency. If some affairs happen, which I think there is a probability of, I doubt his again being appointed for this province" [Wharton Letters].

² *Annals*, II, 325.

³ I, 65.

with Mr. Dickinson during the greater part of the day, and having concerted with him a plan of operations, returned to the city and repaired immediately to the place of meeting, where they were soon joined by their other friends." From this account it would seem that Dickinson was not a leader in the movement for a town meeting, but was induced by some effort to support a scheme which he had not originated.

The most detailed narration of the meeting and the arrangements leading up to it is found in a letter of Charles Thomson to Drayton. This statement continues Reed's account after the meeting with Dickinson and gives the latter a more prominent part. His narrative is substantially as follows:¹ When the news of the Boston Port Bill arrived in Philadelphia, Dickinson, who appears to have been held in reserve for this emergency and his friend [Thomson ?] who had taken an active part in the tea controversy, secretly concerted between them the measures necessary to be taken. To prepare the people for action, Dickinson undertook to address the public in a series of letters. This agreement was reached on May 19, 1774. The next day came the letters from Boston asking for the support of Philadelphia, and "it was judged proper to call a meeting of the principal inhabitants to communicate to them the contents of the letter and gain their concurrence in the measures that were necessary to be taken." In order to preserve the unity of the colony in spite of the apparent opposition of the Quakers to anything approaching extreme measures, it was considered essential that Dickinson, in whom both sides had confidence, should be used. To accomplish this, Thomson, Reed and Mifflin dined with Dickinson on the day of the meeting and the latter finally agreed to the scheme "provided matters were so conducted that he might be allowed to propose and carry moderate measures."

The fact seems to be that Dickinson not only was unwilling

¹ See Stillé: John Dickinson, Appendix II.

that violent measures should be proposed, but also disliked to acquiesce in measures which he had had no part in framing, lest he lose his influence with the moderates. Thus Thomson continues: "T [Thomson] who was on the watch, and who thought he saw some reluctance in one of the gentlemen to be brought to act a second part, prevented a farther explanation by proposing that R [Reed] should open the meeting, M [Mifflin] second him, that T. should then speak, and after him D. [Dickinson]." This having been arranged the conference was dissolved, Thomson promising Reed and Mifflin that he would not come to the meeting without Dickinson. The account then continues: "At the meeting the letter from Boston was read, R. addressed the assembly, with temper, moderation but in pathetic terms. M. spoke next and with more warmth and fire. T. succeeded and pressed for an immediate declaration in favour of Boston and making common cause with her. . . . Great clamour was raised against the violence of the measures proposed. D. then addressed the company." After his address the clamor increased and Thomson moved that an answer to the Boston letter be framed and returned by a committee appointed by the meeting. Both parties handed a committee list to the chairman and the fight between the two factions was renewed. "At length it was proposed that both lists should be considered as one and compose the committee," and this compromise was agreed to.

There are various other accounts of the meeting. Watson, obtaining his information from the papers of Charles Thomson, says that "Dickinson, who had the confidence of the Friends, took moderate grounds; but Mr. Thomson was so vehement and zealous for making a common cause with Boston that he fainted and was carried out." Reed, in his narrative, speaks of the meeting as "large but as composed of the most heterogeneous materials. The proprietary party had sent its representatives; many of the leading men among the Friends

and the sons of nearly all the officers of the government were present, and all awaited with great apparent excitement, the opening of the meeting. After the Boston letter was read Mr. Reed addressed the meeting at some length and urged the adoption of the most spirited measures. . . . He was followed by Thomson and Mifflin and all urged an immediate and explicit declaration in favor of Boston. The proposition thus made revived the excitement which prevailed in the early part of the evening, and it was with difficulty that order and decorum could be so far preserved as to give Mr. Dickinson an opportunity of being heard. He at last succeeded and spoke for some time in favor of a less violent expression of feeling, recommending a petition to the Governor for a meeting of the Assembly. After he had finished he left the meeting; and on the suggestion of Mr. Thomson resolutions were adopted recommending the appointment of a committee to answer the circular from Boston." Edward Tilghman says:¹ "In regard to the meeting at the City Tavern, Mr. Reed, a rising lawyer who came among us from New Jersey, made a motion to address the Governor to call the Assembly that we might show our inclination to take every legal step in order to obtain redress of our grievances. He was seconded by Mr. Dickinson. It is agreed on all hands that he spoke with great coolness, calmness, moderation and good sense. Charles Thomson, as well as Reed, was more violent. He spoke till he fainted and then went at it again. They were opposed by Alexander Wilcocks and by Dr. Smith, but upon a division the motion was carried by a vast majority. The sense of the people is evidently in favor of the measure."

From these accounts it appears that a large party in Philadelphia, assembled in mass meeting, had no hesitancy in acting as the representatives of the colony, although without the slightest legal right. It was with difficulty that the gather-

¹ Stillé: Dickinson, p. 107.

ing was persuaded to call for the legal assemblage of the provincial legislature, but it adopted resolutions which authorized its own committee to call a general convention of the inhabitants of the colony whenever such an assemblage should be considered expedient. The Gazette¹ after giving the names of the committee of correspondence appointed by this mass meeting of the twentieth, printed the following resolutions among those adopted by that gathering: "That the Committee be instructed to apply to the Governor to call the Assembly of the Province," and "That they be authorized to call a meeting of the Inhabitants when necessary." The same paper then gave the letter sent to Boston, and added that its sentiments were approved by every member of the committee. Thus the scheme of action proposed by Reed, Mifflin and Thomson was carried out and a majority of at least "two or three hundred respectable inhabitants of the City of Philadelphia" left the control of affairs in their province in the hands of a committee responsible only to "a more general meeting of the inhabitants." This in itself was a victory of the popular party over the Quakers, who, as Thomson remarked, "had an aversion to town meetings and always opposed them."

The resolutions framed by the Philadelphia committee and forwarded to Boston have been considered as very weak because they hint that it might be best to pay for the tea destroyed in that city. John Adams remarked that the letter was coldly received, but his cousin saw more clearly the significance of the section relating to payment and of the whole movement which resulted in popular action in the Quaker colony.² In the proposition from Pennsylvania,

¹ May 25, June 8.

² It seems to have been a point that was debated at some length whether or not this suggestion of payment should be made in the Boston letter. Some thought that Boston ought to pay for the tea, but others saw little difference between the action of the New Englanders and that of their own people. There was a finan-

Samuel Adams saw a true presentation of the rights of the case. The property destroyed was that of a private company and not of the British government. Massachusetts indeed could refuse to purchase any tea but no theory of colonial rights gave her any power over property not yet landed upon her shores. But the sentiment expressed by the Philadelphia letter was a secondary point in the estimation of Adams. He placed the emphasis on the fact that the people of Pennsylvania, assembled in general meeting, had spoken without waiting for their legislature to act. Here was an expression of the sovereignty of the people which meant a great deal for the future. It was the triumph of the principle of democracy in a State thus far controlled by *aristocracy*, and Adams saw the meaning of the change and rejoiced at it. The Whig leaders in Pennsylvania, as Thomson remarked, "had no confidence in the members of the Assembly, who were known to be under the influence of Galloway and his party, and they had another object in view. When the merchants led the people into an opposition to the importation of the East India Company's tea those who considered that matter only as a manœuvre of the ministry to revive the disputes between Great Britain and America and who were firmly persuaded that these disputes would terminate in blood, immediately adopted measures to bring the whole body of the people into the dispute and thereby put it out of the power of the merchants, as they had done before, to drop the opposition when interest dictated the measure. They, therefore, got committees established in every county throughout the province."

cial loss to the East India Company in either case. The final message seems to have been a compromise. If payment meant independence of Parliamentary interference for the future, then Philadelphia favored payment, but if not, then general colonial action should be taken. As one writer expressed the matter, payment for the tea should be the last act in reconciliation [See the letters of Wharton and the Philadelphia papers. The opinion of Samuel Adams on the proceedings at Philadelphia is in Wells' *Life of Samuel Adams*, II, 172].

Of this more radical sentiment represented in Pennsylvania by Thomson, Reed and Mifflin, the Boston democrats were aware and they saw it assume the leadership in the Quaker colony with much satisfaction. It was no small matter when a town meeting controlled the policy of a colony. It was of still greater importance that a political organization composed of county committees throughout the colony should be in a position to dictate to the legal Assembly of Pennsylvania and that Dickinson, the apostle of legality, should concur in these measures. Such methods were no less revolutionary because the advocates of constitutional resistance considered them wise and the precedent thus furnished was used with great advantage a little later. Yet farther the various factions in Pennsylvania were being compelled to take a definite position on the questions at issue and this was no slight advantage to the revolutionary forces.

The results soon proved the wisdom of Samuel Adams' opinion. Meetings were held at which it was determined to show the sympathy for Boston by closing all places of business on June 1, when the Port Bill went into effect, and it was at once assumed that the invitation of the New York Committee of Correspondence for a Colonial Congress would be accepted. The delay which had accompanied action by the Assembly in the past had aroused suspicion of that body and, as Ettwein said: "Where the leaders saw no hope of accomplishing their plans in the General Assemblies they called together Provincial Conventions." The town meeting had in fact guaranteed that Pennsylvania would act in harmony with the other colonies. The machinery of an extra-legal government had been established and measures had been taken which would make clear the attitude of all parties in the State. The power of the conservatives rested upon the constitution and the legal assembly, but the law and the constitution had been subordinated to pressing necessity. Time alone could tell what might be the outcome of the new movement.

CHAPTER X.

THE ALIGNMENT OF PARTIES.

AUTHORITIES.

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- The Wharton Manuscripts in the Library of the Historical Society of Pennsylvania.
- Force, Peter. Printed Archives and Unpublished Papers in the Library of Congress.
- Use has been made also of the press and pamphlet literature of the time to which reference has been given, as well as to such volumes as Eddis : Letters from America.

During the decade preceding the passage of the Boston Port Bill the colony of Pennsylvania had seemed to be united in its opposition to Great Britain. Deference to the wishes of the moderate leaders had prevented any open break between the radical and conservative parties, but the resolutions of sympathy with New England and the power shown

by the Philadelphia town meeting soon produced a change. Opinions varied as to the proper colonial attitude, and it was not long before each party announced its position.

On June 1, 1774, the Gazette published the following protest: "Observing in the Pennsylvania Packet of this day a notification 'that a number of Persons composed of the Members of all Societies in this city, met and unanimously agreed that it would be proper to express their Sympathy for their Brethren in Boston by Suspending all Business on the first day of the next Month' . . . the people called Quakers, tho' tenderly sympathizing with the Distressed, and justly sensible of the value of our Religious and Civil Rights, and that it is our duty to exert them in a Christian spirit, yet in order to obviate any Misapprehensions which may arise concerning us, think it necessary to declare that no Person or Persons were authorized to represent us on this occasion and if any of our community have countenanced or encouraged this Proposal they have manifested great Inattention to our religious Principles and Profession, and acted Contrary to the Rules of Christian Discipline established for the preservation of order and Good Government among us. Signed on behalf and at the Desire of the Elders and Overseers of the Several Meetings of our Religious Society in Philadelphia and other Friends met on this Occasion the 30th of the 5th month ✓ 1774. John Reynell, James Pemberton, Samuel Noble."

This resolution expressed the attitude of the extremely conservative section of the colony, but it by no means indicated the general sentiment of the city. For the time being the moderates and the radicals were heartily united. On June 1, the date of the execution of the Port Bill, shops were closed in Philadelphia, church bells were tolled and the Presbyterians showed sympathy with their Puritan fellows by listening to a sermon from the text: "And in every province whithersoever the King's commandment and decree came,

there was great mourning." On June 9 the mechanics representing the radical party appointed a committee of eleven "to co-operate with the Merchant Committee" in determining the policy of the city. Here indeed was a step toward the control of Philadelphia by mass meeting, and on the next day the same method was carried farther. A meeting "of inhabitants called in from all Societies in town" was held to determine what course of action should be recommended to the people at the town meeting of June 18. Organization was requisite to success, and extra legal organizations were rapidly assuming the same place in Philadelphia as in Massachusetts or Maryland. On June 8 the governor had been asked to summon the Assembly. On his refusal the meeting of the eighteenth, taking into consideration the recommendations of the smaller gathering of the tenth, advised the Assembly to meet of its own will and urged the assembling of a Continental Congress.¹

Meanwhile the intimate relations which existed between the colonies of Pennsylvania and Maryland were leading many men in the northern province to look toward Baltimore for guidance in political methods. Economic interests had bound Maryland and the Susquehanna Valley together for a long time, and a comparison of the meetings held and resolutions adopted in the two colonies during the period of excitement caused by the troubles regarding the importation of tea, shows that this union was more than a merely business relationship. In 1771 the Legislature of Maryland had adopted resolutions declaring that the colony could not be treated by the British government as a conquered province, for the inhabitants came to America under Crown encouragement to increase Crown dominions, and the rights which they had

¹See the Gazette of June 15, where the petition to the governor "signed by near nine hundred freeholders" is given; also the remarks in the issue of June 22.

brought with them had never been lost.¹ On April 19, 1774, the Legislature was prorogued, and never met again under proprietary government. "From this period," remarks Hanson in his *Collection of the Laws of Maryland*, "there was no real authority except that derived immediately from the people." Whether or not Maryland influenced Pennsylvania in the matter of the Boston troubles, the two States took similar action. Kent County on May 18 had protested against the importation of tea, and on the twenty-fifth the people of Annapolis elected a Committee of Correspondence which, in union with like committees from other counties, should form a general provincial committee. This meeting also demanded the repeal of the Boston Port Bill, advocated an association to support a non-importation agreement, and even went so far as to urge lawyers to refuse to bring suit against any Marylander for debts due an Englishman, all of which resolutions were reaffirmed by a second meeting on May 27. Nor did the people rely on outside opinion to support this radical measure. With that spirit of self-sufficiency, which was a marked trait in Maryland political life, they resolved that all intercourse should be suspended with any colony which would not join in these measures.²

This action was followed by meetings in Talbot County, May 30; Kent, June 2; Anne Arundel, June 4; Frederick, June 8 and 11, and Charles on June 14.³ On June 22, three weeks before the county convention at Philadelphia (July 15), delegates from the several Maryland counties met in convention at Annapolis and in reality assumed control of the colony. Governor Eden had left the province on May 28 and did not return until November. Meanwhile the extra-legal convention was unhampered in its authority and was certainly no

¹ Proceedings, October 9, 1771.

² Maryland Gazette, June 2.

³ See accounts of these meetings in the Maryland Gazette, June 2, 9, 16, etc.

restraining influence upon the corresponding body at Philadelphia.¹ In the southern colony there was much the same jealousy between the eastern and western shores as between Quakers and Presbyterians in Pennsylvania, but the Maryland convention harmonized the opposing forces. Votes were taken by counties, and instead of attempting to revive the old legislature, which had conducted previous contentions with the governor, a new political organization was formed resting on the basis of popular sovereignty. Throughout the movement in Maryland, care was taken that all sections of the colony should be consulted, and this fact explains why no such division occurred as in Pennsylvania. When, for example, the second convention, elected and held in accord with Congressional advice, met on November 21, no important business was undertaken until all counties of the State were represented,² and this precedent appealed with great force to the counties of Pennsylvania which had repeatedly seen their protests disregarded. Governor Eden's popularity prevented the rancorous hostility against England which prevailed in colonies like Massachusetts and Virginia, and the equitable action of the legislature prevented Maryland from undergoing the internal rebellion through which her northern neighbor passed. Colonial conditions tended to soothe rather than irritate the international dispute.

Of the early revolutionary period, Governor Eden, in his letter to Lord Dartmouth, wrote:³ "The province has been tolerably quiet since I arrived,"⁴ but "before that, they had in one or two instances been second in violent measures to Boston." One such instance had been the burning of the "Peggy Stewart" because she had brought over a cargo of tea—an

¹ See the Proceedings of the Conventions of the Province of Maryland, p. 3 and following.

² Proceedings, p. 6.

³ Force: American Archives, IV, 1, 1075.

⁴ November and December, 1774.

act which could hardly be considered "second" to anything which even Boston had done. The personal popularity of Eden prevented further outbreaks, but, as he continued in the letter quoted, "The spirit of resistance against the tea act, or any mode of internal taxation is as strong and universal here as ever. I firmly believe that they will undergo any hardship sooner than acknowledge a right in the British Parliament in that particular, and will persevere in their non-importation and non-exportation experiments in spite of every inconvenience they must consequently be exposed to, and the total ruin of their trade." This was in sharp contrast to the policy which their previous action had led Pennsylvanians to expect of the merchants of Philadelphia. In November the second convention in Maryland resolved that the militia should be organized and drilled, that arms and ammunition should be purchased, and non-importation maintained, thus taking the sovereign powers of the State into its own hands.¹

Pennsylvania soon followed her southern neighbor. At the meeting of June 10, 1774, it was resolved by the people assembled that the act closing the port of Boston was unconstitutional, and that it was expedient to convene a Continental Congress.² Instead of making recommendations to the provincial assembly gathered on its own motion, or by call of the governor, this town meeting decided: "That a large and

¹ Proceedings, p. 6 and following.

² It was of this meeting that Wharton wrote on June 10: "A general meeting is to be held in this city when it is not doubted that the greatest numbers will attend that was ever known on any occasion. A body of about forty persons were together yesterday to propose the resolves for this general meeting" [Wharton Manuscript. See also the account of the meeting in the *Gazette*, June 22, 1774]. Dickinson's acceptance of the chairmanship of a body which had little hesitancy in over-riding the legal authorities of the colony must be considered as an evidence of an increasing radical sentiment. He not only presided at the town meeting, but consented to act as chairman of the committee appointed by that body to control the province. It was an action which in the later months he found it difficult to explain.

respectable committee (43 members) be immediately appointed for the city and county of Philadelphia to correspond with the sister colonies and with the several counties in this province in order that all may unite in promoting and endeavouring to attain the great and valuable ends mentioned. . . .

That the committee nominated by this meeting shall consult together and on mature deliberation, determine what is the most proper mode of collecting the sense of this province and the appointing Deputies for the same to attend a general Congress; and having determined thereupon shall take such measures as by them shall be judged most expedient for procuring this province to be represented at the said Congress in the best manner that can be devised for promoting the public welfare." Here was a second popular assemblage creating, in an entirely extra-legal manner, an authority which, with no warrant other than that derived from the principles of popular sovereignty, was to control and speak for the colony.

On June 27,¹ the committee thus appointed met in Carpenters' Hall, drew up a circular and sent it to all the counties of the province requesting their acquiescence in the following resolutions:²

1. "That the speaker of the Hon. House of Representatives be desired to write to the several members of Assembly in this province requesting them to meet in this city as soon as possible, but not later than the first of August next, to take into consideration our very alarming situation."

2. "That letters be written to proper persons in each county recommending it to them to *get committees appointed for their respective counties*, and that the said committee or such number of them as may be thought proper, may meet in Philadelphia, at the time the Representatives are convened *in order to consult and advise on the most expedient mode of*

¹ See Gazette of June 22 and 29.

² Pennsylvania Gazette, July 6, 1774. Italics are the authors.

appointing deputies for the general Congress, and to give their weight to such as may be appointed."

These letters, after saying that the speaker had already consented to summon the Assembly when the governor made such action unnecessary by convening that body himself, continued: "What we have therefore to request is, that if you approve of the mode expressed in the second proposition, the whole or part of the committee appointed or to be appointed for your county will meet the committees from the other counties at Philadelphia, on Friday, the fifteenth of July, in order to assist in framing instructions and preparing such matters as may be proper to recommend to our Representatives at their meeting the Monday following." From this action it is clear that the legislature was not the body which the committee intended should have control of the province, for had that been the case there would have been no need, in face of the governor's action, of a county convention at Philadelphia. Indeed, the resolutions themselves furnish internal evidence that the Assembly was not considered a perfectly representative body, for they continued: "We trust no apology is necessary for the trouble we propose giving your committee of attending at Philadelphia as we are persuaded you are fully convinced of the necessity of the closest union among ourselves both in sentiment and action; nor can such union be obtained so well by any other method as by a meeting of the county committees of each particular province in one place preparatory to the general Congress." What was intended was the creation of an authority in the colony which should adequately represent all races and sections and could therefore speak with overwhelming force to the Assembly. If the legislature would not act, the leaders of the convention were to proceed on their own initiative. To promote colonial unity the leaders of the revolutionary movement, "D——, M—— and T——, after the meeting of the Inhabitants of Philadelphia and the

resolutions passed at the State House, under color of an excursion of pleasure made a tour through two or three frontier counties in order to discover the sentiments of the inhabitants and more particularly of the Germans" ¹

The last resolution in the message sent by the Philadelphia committee to the various counties is also significant. "We would not offer such an affront to the well known spirit of Pennsylvania as to question your zeal on the present occasion. Our very existence in the rank of Freemen and the security of all that ought to be dear to us, evidently depend on our conducting this great cause to its proper issue by firmness, wisdom and unanimity. We cannot therefore doubt your ready concurrence in every measure that may be conducive to the public good; and *it is with pleasure we can assure you* that all the colonies from South Carolina to New Hampshire seem animated with one spirit in the common cause, *and consider this as the proper crisis for having our differences with the mother country brought to some certain issue and our liberties fixed upon a permanent foundation.* This desirable end can only be accomplished by a free communion of sentiments and a sincere, fervent regard to the interests of our common country." In the light of this resolution, the trip of the Philadelphia leaders throughout the frontier counties where radical sentiment was most pronounced, and the frequent meetings which the revolutionary committee was holding in the city² during the interval between its appointment and the gathering of the convention, there was little wonder that the conservatives in the city expected that the voice of Pennsylvania in the coming Continental Congress would be a radical one.

Early in July Thomas Wharton, the agent of the East India Company in Philadelphia, and in no sense an advocate of advanced measures, became frightened at the prospect.

¹ Thomson's statement in Stillé's Dickinson.

² Gazette, July 22 and 29.

He wrote to his brother Samuel (July 5), urging that it might be well, since the colonies were determined to unite at all events, that the English government allow the union and retain oversight of it. After speaking of the events in the city, Wharton continued: "Hence thou seest the probability of an American Union taking place; and I dare say thou wilt join with me in believing it would be happy could our parent State assist us in thus establishing a constitutional Union between her and us; she to appoint a supreme magistrate to reside on the continent who, with a fixed number taken from each House of Assembly, should form an upper legislature to control the general affairs of the continent. The intention of this Congress is to endeavor to form a constitutional plan for the government of America, dutifully petition and remonstrate, and, if possible, to point out such heads that we may unite with the mother country upon a constitutional union." In a letter to Walpole, May 2, he had already suggested the same thing and had said: "This may be looked upon by our superiors at home as granting the colonists too much, yet I believe some such measure will be found necessary to be adopted." Again on May 31 he had written: "Nothing I know of can take place which will so long continue you and us as one people as the establishing an upper house, to consist of deputies from every Assembly to act in legislature with a Lord Lieutenant." Although in the letter of July 5 he said that "if relief should not be granted to the prayer of the Americans, I suppose it will then be considered how far a general non-exportation and non-importation [agreement] will be proper for the colonies to engage in," he added that the reason he accepted a position on the city committee "was a sincere desire to keep the transactions of our city within the limits of moderation and not indecent or offensive to our parent state." The resolutions which were finally adopted and sent out, although they were

radical in tone, would have been yet more so had Dickinson been allowed to frame them. In the words of Wharton: "J. Dickinson (one of the Committee) produced a number of resolves, some of which were expressed in terms we could not approve of, and therefore, after debates which lasted ten or twelve hours, we took off all the acrimonious parts." At the close of the letter in a postscript written after the news of the Quebec Act had been received, Wharton added the simple but pregnant words: "Where will matters terminate?" It is easy to see from this letter that popular feeling was several stages in advance of the Philadelphia Committee.

The recognition of the western element by Dickinson and his friends was a movement against the old order, for in that section of the State the democratic and anti-English sentiment of the city found its chief support. The frontier counties were much more favorable to a convention in which they were equitably represented than to a legislature in which they were not. The convention thus agreed upon met at Philadelphia on July 15, selected Thomas Willing as chairman, Charles Thomson as secretary, and proceeded to consider the business which had been mapped out for it. Dickinson, as chairman of the Committee of Correspondence of Philadelphia, presented to the convention three papers. In the first were stated the claims and arguments of America; in the second were the instructions for delegates to a Continental Congress, and the third contained Dickinson's ideas regarding the powers of Great Britain under the Constitution. The convention urged the Assembly to appoint delegates to a general Congress of the colonies resolving, in the words of Thomson who should know, "in case the Assembly refused, to take upon themselves to appoint deputies."

Meanwhile the governor who had been several times requested to summon the Assembly and had refused, saw that he had but a choice of evils, and choosing the less,

took advantage of some minor Indian disturbances to call a session of the legislature for July 18. On the following day the resolutions of the Massachusetts, Rhode Island and Virginia Assemblies suggesting a general Colonial Congress,¹ were presented to the house, and on the twenty-first the Provincial Convention presented the following unanimous resolution: "That there is an absolute necessity that a Congress of Deputies from the several colonies be immediately assembled to consult together and form a General Plan of Conduct to be observed by all the colonies, for the purposes of procuring Relief for our suffering Brethren, obtaining Redress of our Grievances, preventing future Dissentions, firmly establishing our Rights and restoring Harmony between Great Britain and her Colonies on a constitutional Foundation." A committee also informed the house that the convention was employed in finishing its resolves and drawing up its sentiments on the present situation of public affairs, "which, when compleated, would be laid before the Honourable House."

With the presentation of the "compleated resolves" the Assembly on July 22 voted,² in practically the words of the convention, "That there is an absolute Necessity that a Congress of Deputies from the several Colonies be held as soon as conveniently may be, to consult together upon the present unhappy state of the Colonies, and to form and adopt a Plan for the Purposes of obtaining Redress of American Grievances, ascertaining American Rights upon the most solid constitutional Principles, and for establishing that Union and Harmony between Great Britain and the Colonies, which is indispensably necessary to the Welfare and Happiness of both." Galloway, Rhoads, Mifflin, Humphreys, Morton, Ross and Biddle were appointed as delegates from Pennsylvania. In the instructions drawn up for their guidance they

¹ Virginia used the words "Annual Congress."

² Votes, VI, 519.

were "strictly charged," in accomplishing the ends above stated, "to avoid everything indecent or disrespectful to the Mother State." It is noticeable that it is reconciliation and harmony "upon a constitutional foundation" that the Assembly urged. If that could not be obtained the further direction of matters would fall back upon the body which set the machinery of a Continental Congress in motion, *i. e.*, upon the Provincial Convention, or in case of its dissolution, upon the County Committees and the people whom they represented. The movement which made for a national as distinct from a colonial policy, in Pennsylvania at least, rested upon a popular and not on a legislative foundation.¹

There is one resolution of the convention that seems to breathe a firmer spirit of defiance than any previous official utterance of Pennsylvania. It shows how thoroughly that body was convinced that the Continental Congress should have the real direction of affairs in America and its own willingness to support that Congress in spite of any action which the Pennsylvania Assembly might take. It is as follows:²

"If any proceedings of the Parliament of which notice shall be received on this continent before or at the general Congress shall render it necessary in the opinion of that Congress for the colonies to take farther steps [than non-importation and exportation] in such case the inhabitants of this province shall adopt such farther steps and do all in their power to carry them into execution." While the convention hoped that a reconciliation could be brought about "by which Americans should have all the rights here that Englishmen have there,"

¹ In their note-book of the testimony given by Galloway on February 12, 1784, the British Loyalist Commissioners say: "It was thought better to appoint Congress from the General Assemblies than to permit it to be done by conventions, which they saw would be the case. . . . He agreed to go as a delegate on condition that he might draw his own instructions" [See Galloway's testimony in Proceedings of the Loyalist Commissioners; Wilmot, II, 28-64].

² Journals of Convention, I, 5.

this resolution, framed by Dickinson, seems to indicate that Pennsylvanians were determined to have their rights at any cost.

Even more important than the action of the convention regarding the national Congress or the relations with England, was the change which its meeting had made in the local concerns of the colony. A definite organization had been formed within the State resting on an avowedly popular basis. It had approved the work of an entirely illegal organization within the city and had assumed the right of dictating to the legal representative body of the State. Whoever was dissatisfied with his position under the old régime turned toward the new. From the organization of the county committees and the meeting of the provincial conventions the old government began to lose its prestige, and the populace—those at least who had a grievance—welcomed a new leadership. The Assembly was yet dominated by Galloway and his party. They believed that the only hope of America lay in the continuance of the union with Great Britain and in the formation of an alliance among themselves under her guidance. This party had no trust in democracy or in any system of government other than such oligarchies as controlled the Assembly in Pennsylvania and the Commons in England. They were unalterably opposed to any new organization within the State, and Galloway in particular was jealous of the influence which Dickinson was obtaining as the head of the convention.

There are abundant indications that the firm attitude taken by the convention in its relations with the Assembly did not please conservatives like Wharton, who realized what this action meant. Thus that gentleman, in a letter of August 2 to Walpole, said his only motive in undertaking a task (his committee services) "arduous and therefore disagreeable," was to keep his fellow citizens from proceeding to declaration and measures inconsistent with their duty and true interest. He

wished a reformed administration for America under which the Assembly of each colony could manage its local concerns, and he did his utmost to prevent anything more than that. He therefore "could not approve of all of the resolves entered into nor of the instructions delivered to our members of Assembly." As was but natural, he considered that "the Virginians in their extraordinary resolves and instructions" had "proceeded much farther than was just or prudent," but he continued, "who shall say, thus far you shall proceed and no farther." Indeed, the force of the example set in Boston, where troops had been collected to oppose any violent action by General Gage, an action which Wharton himself had to admit was moderate though dangerous; and the proceedings in Maryland and Virginia were making the result in Pennsylvania extremely doubtful. It was possible that the legislature would be replaced by the extra-legal if more truly representative convention.

There is a striking resemblance between the position of the legally elected Assembly at this time, and that of its successor in 1776. In 1774 it was controlled by its loyalist speaker, Galloway, and the radical popular leaders gathered an extra-legal body more equitably representing the colony to dictate its action; but rather than lose its position of authority, the legal body yielded to the will of the revolutionary one and adopted the policy which the latter proposed. Two years later, a committee representing a second mass meeting in the State House yard, made certain demands upon the Assembly and summoned a second convention to enforce their claims. In this case the Assembly would not yield, and the extra-legal convention took the step which in 1774 was unnecessary. Rather than allow the convention to appoint the delegates to the Congress, the Assembly of 1774 agreed to select them, but confined the choice to their own members, thereby excluding Dickinson and Wilson whom the convention had

in view. This was partially remedied by the addition of Dickinson to the delegation in October, but Wilson was not elected. As was natural, this assumption of power by the Assembly did not please the people, although they were not as yet ready to proceed to extreme measures.

The reason for the hesitancy of Pennsylvania when the question of a formal declaration of independence was under discussion two years later did not arise from any difference in argument between the Whig leaders of Philadelphia and those of New England, but from questions of expediency.¹ Adams, Cushing and Otis as well as Dickinson wished an orderly government and an impartial administration, but while New England and South Carolina possessed well organized

¹ The reasoning of the Whig party in Pennsylvania may be seen from a study of the Convention of 1774. It consisted of thirty-four representatives from the city and county of Philadelphia, among whom were Dickinson, Thomas Willing, James Reed, Charles Thomson, Thomas Wharton, Thomas Mifflin, five members from Bucks, eight from Lancaster, eight from Chester, three from York, and two each from Northumberland and Westmoreland.

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After resolving that there was necessity for a Continental Congress, and that Pennsylvania would support a non-importing and non-exporting agreement, and if necessary, go farther, it made the following declaration of principles [Journals of House of Representatives, I, 6]: "We acknowledge the prerogatives of the Sovereign" (then naming certain of them), but "the prerogatives are limited, as a certain learned judge [Blackstone, p. 237] observes, by bounds so certain and notorious that it is impossible to exceed them without the consent of the people on the one hand, or without, on the other, a violation of that original contract which in all states impliedly, and in ours most expressly, subsists between the prince and subject.—For these prerogatives are vested in the crown for the support of society, and do not intrench any farther on our natural liberties than is expedient for the maintenance of our civil" . . . "and though we are strangers to the originals of most states, yet we must not imagine that what has been here said concerning the manner in which civil Societies are formed is an arbitrary fiction. For since it is certain that all civil societies had a beginning, it is impossible to conceive how the members of which they are composed could unite to live together dependent on a supreme authority without supposing the covenants above mentioned." In support of these principles, Burlemaqui, Grotius, Cicero, Puffendorf, Locke, Blackstone and other writers were quoted, and passages from their writings were frequently incorporated into the text.

and able systems of control, there was in Pennsylvania disunion, discontent and what threatened to be anarchy. The forces in the State were too nearly even to secure peaceful control to either element unless there was an outside power to support it. Even when the Quakers and Presbyterians were nominally united in the framing of petitions, it was an extremely difficult task to maintain harmony in the colony. When the question of independence was added to local disputes, the leaders in the Quaker colony knew that the internal conflict would break out afresh. Disunion at home was much dreaded by Dickinson. While, if it was necessary, he was ready to overrule the legal authorities, as he had shown in 1774, he did not wish to see the colonies declared independent of Great Britain until there had been established within both state and nation central governments strong enough to preserve the peace. With Pennsylvania evenly divided between combatants and Quakers, Whigs and English sympathizers, he considered it impossible for her to act as unitedly as Massachusetts, Virginia or South Carolina. He would postpone independence until a firm government had been established in Pennsylvania or a strong national government throughout America.

His view was a more national, and in the light of subsequent events, possibly a wiser one than that which ultimately prevailed, but it was none the less revolutionary. He was against throwing off the sovereignty of the Crown until a national government in America had been organized to take its place. He wished a state government supported by all parties, but there was little difference between the action of the Pennsylvanian and the New Englander when considered solely from the legal point of view. Was it less revolutionary for the American colonies to first establish a federal government and let that government proclaim independence than for a congress of delegates speaking in the name of the several

colonies to make that declaration? From the point of view of the American States it may have been revolution against their authority for the Continental Congress to assume the power of speaking for them, but so far as the relations with England were concerned no essential condition was altered. Indeed, is it not more plausible to argue that the real revolution occurred when an extra-legal body forced upon the constitutional government of Pennsylvania a policy which it did not approve?

In his "Vindication," published in the *Freeman's Journal*, January 1, 1783,¹ Dickinson specifically denies his opposition to American independence. "That I opposed the declaration of independence in Congress I deny, but I confess that I opposed the making the declaration of independence at the time when it was made. The *right* and *authority* of Congress to make it, the *justice* of making it, I acknowledged. The policy of then making it, I disputed. . . . To me it seemed that, in the nature of things, the foundation of our governments, and an agreement upon the terms of our confederation, ought to precede the assumption of our station among sovereigns. . . . Mankind were naturally attached to plans of government that promised quiet and security under them.—General satisfaction with them when formed would be indeed a great point attained, but persons of reflection would perhaps think it absolutely necessary that Congress should institute some mode for preserving them from the misfortune of future discords." There appears no ground for supposing that Dickinson disagreed with the theory on which the declaration of independence rested nor doubted the duty of every American to support the declaration made by the majority, for within a week he was in arms against England. He questioned only the expedience of the act.²

¹ Stillé: Dickinson, Appendix V.

² Although Dickinson was a member of the Society of Friends, he did not hesitate to take up arms for his nation so soon as independence had been declared.

The impetus given to popular sovereignty by the action of the Convention of 1774 was marked. The new Assembly was not as conservative as its predecessor, and for the first time in many years Galloway was not elected speaker. October 9, on the meeting of the Assembly, it was resolved: "That the Freeholders and other Inhabitants qualified to elect members of Assembly, shall be admitted to hear the Debates of this House at such times and under such Regulations and Restrictions as the House shall think proper."¹ This vote seemed to give the committees of the city and counties an opportunity to keep better watch of the Assembly than before, and in case of need to more freely criticise its members.

The committees also felt the need of a more regular position in the community. Although they could in no sense be regarded as legal authorities in the counties, they yet tried to be representative bodies by recommending that at the next general election new committees should be chosen for the city and county. This advice was taken, and in November (12th) sixty-seven citizens were chosen for the city and forty-two for the county committee. Among the former were Dickinson, Mifflin, Thomson, Morris, Howell, Clymer and Reed.²

Other members of the Society left their companions and organized a new Quaker sect rather than remain at home, but Dickinson did not consider it necessary to do this. In this he was justified, for the Friends never excluded him from their meeting, although by taking up arms he violated one of their most fixed commandments. Possibly he was too important a man to be excluded, as were the commoners, for this offence. Moreover, it is a reasonable suggestion that the Quakers as distinct from the "Quaker party," favored America rather than England in the struggle about to break out.

President Sharpless [A History of Quaker Government in Pennsylvania, II, 204] estimates the number of Friends disowned for participation in the war as four hundred on the American side to forty on the British. Those of the denomination who were interested in retaining the former conditions of eastern ring rule in the colony were practically the only strong advocates of England's cause.

¹ Votes, VI, 550.

² The full list of names is in the Gazette of November 16. The card asking for the election of new committees is in the Gazette of November 2.

Although this election was not favored by the more conservative citizens, the City and County Committees thenceforth constituted the real government of the colony. Especially did the City Committee show its authority. Dividing itself into smaller sections of inspection and observation it assumed full charge of auctions, imports and the general conduct of trade. American manufacturers were fostered, American industry advanced and against the wishes of many, a close watch was kept on individuals who were supposed to be opposed to the American cause.¹

¹ From the time of the division into two parties on the question of the attitude to be taken toward England, the same hostility and sharp writing is seen in Philadelphia that was so much in evidence during the proprietary struggle. Too much weight should not be given to this criticism of the more radical leaders. A Philadelphia correspondent of Rivington's *New York Gazette* wrote under date of February 4: "I have been assured here that there are many of the Committee who could not get credit for twenty shillings, and on inquiring how the inhabitants should choose such men, I was told that not one-sixth of them had voted at all; that in the cities and liberties not six hundred votes had been given for sixty committee men, so that you see each one had only to procure the ten votes. A mighty easy way this, of getting into power." The list as given in the *Gazette* does not warrant the conclusion relative to the property of the men, however small the number of voters may have been.

Examples of the control exercised by the committee are given in the *Pennsylvania Gazette* of August 31, 1774: "Let every man be governed by the resolves of the city and county where he resides; every city and county by the resolves of the provincial committee, and finally every province by the determination of the whole in a general Congress." Again, on December 14 the *Gazette* said: The Committee for Philadelphia, on December 6, "taking into consideration the 10th article of the Association of the General Congress, do unanimously resolve that the said article requires the opening of all packages of goods imported after the first day of December and before the first of February" [For articles sought see postscript, *Pennsylvania Gazette*, November 2, 1774]. All sales are to be made "under the direction of the Committee." Packages of from three pounds to fifteen pounds in value were to be sold if they were received before February 1. After that date the importers were offered the choice of storing, sending back, or selling under such terms as the committee approved all imports of forbidden goods. The City Committee recommended the chosen committees in every county, city and town to watch persons in their conduct toward this association. The following appeared on November 30: "To the Public." . . . "The

The City Committee was always supported in its power by its ability to call a new provincial convention. With the adjournment of the Continental Congress it felt that the sense of the colony should be taken on the action of that body, and it therefore, on December 28, issued the call for a second convention of the people. This call was directed to the County Committees and read as follows:¹ "By order of the Committee of the City and Liberties of Philadelphia we have the pleasure to transmit you the following resolves passed this day with great unanimity: 'That this committee think it absolutely necessary that the Committees of the province or such deputies as they may appoint for this purpose be requested to meet together in Provincial Convention as soon as convenient. Resolved, that it be recommended to the County Committees to meet in said convention on Monday the 23d day of January next in the city of Philadelphia.' . . . From a view of the present Situation of public Affairs the Committee have been induced to propose this convention that the sense of the Province may be obtained, and that the measures to be taken thereupon may be the Result of the united Wisdom of the Colony. The obvious necessity of giving an immediate consideration to many mat-

Committee having been informed that a few persons have unguardedly raised the price of Sundry articles of trade think it highly necessary to recommend to the public a due observation of the 9th article of the association of the Congress, viz: That such as are vendors of goods or merchandize will not take advantage of the scarcity of goods that may be occasioned by this association, but will sell the same at the rates we have been respectively accustomed to do for 12 months last past. And if any vendor of goods or merchandize shall sell any such goods on higher terms, or shall in any manner or by any device whatsoever violate or depart from this agreement, no person ought nor will any of us deal with any such person, or his or her factor or agent at any time thereafter for any commodity whatsoever."

In the same number of the Gazette there is a letter urging the committees to take means to suppress writings which tend to prevent union among the colonies.

¹ Pennsylvania Gazette, December 28.

ters of the greatest importance to the general welfare will, we hope sufficiently apologize to you for naming so early a date as the 23d of January."

The response of the committees was hearty, and on the appointed day the convention gathered. Thus once more the new organization proved its power and accepted the responsibilities which its position imposed.

CHAPTER XI.

THE ESTABLISHMENT OF THE REVOLUTIONARY ORGANIZATION.

AUTHORITIES.

In addition to the authorities mentioned in Chapter X, the following list may be given :

Graydon, Alexander : *Memoirs of His Own Times.*

The Works of Jefferson, Galloway and John Adams ; The Diary of Christopher Marshall ; Westcott : *History of Philadelphia* ; Hodge : *History of the Presbyterian Church in America*, and the Statement of Jacob Ettwein, in the Library of the Historical Society of Pennsylvania.

In the preceding pages an effort has been made to picture the gradual strengthening of the revolutionary movement in Pennsylvania. Differences of race and religion prevented organic unity throughout the colony, and economic necessity and political justice demanded that a new order should replace the old. In spite of such an excellent foundation for revolt, so great was the power of inertia, so strong was the controlling political machine, that the success of the popular movement was for a long time doubtful. The rebellion against Great Britain was supported within the State of Pennsylvania by a system of county and city committees which gave the democrats an influence unobtainable so long as government by the old Assembly was maintained. By her recognition of the Continental Congress as the controlling body in America the State gave to her dissatisfied citizens an opportunity of gaining legal sanction for an internal revolution,¹ and there

¹ The Assembly of Pennsylvania was the first colonial legislature to meet after the adjournment of Congress. Its action was thus doubly effective. The governor was surprised at its confirmation of all the Congressional measures, and Reed regarded this action as very significant. The latter wrote to Dartmouth that this vote was " expressive of the approbation of a large number of Quakers in the House, a body who have acted a passive part in all the disputes between the mother country and the colonies." Before this he had expressed a very different opinion of the Quakers [See his letter to Quincy ; Reed : *Life of Reed*, I,

speedily came into existence a system of committees legally responsible to no one, but in fact guided by national leaders and responsible to the Whig population of the colony. These committees were elected by the people and in turn chose delegates to the provincial conventions.¹ So long as the regular Assembly could be persuaded to pass such legislation as was desired by the radicals, there was little thought as to where real authority rested. The Convention of 1774 had merely shown itself a rival of the Assembly in its control of the colony, but its successor in 1775 forced an acknowledgment of its superior power from the old provincial legislature, even while it allowed nominal authority to remain with the legal Assembly. The year 1774 was a period of tension, during which the Continental Congress and the political organizations formed under its direction, were increasing their prestige throughout the nation, and the new government was completing its organization throughout the State. The outbreak of hostilities in 1775 completed the transfer of power.

The convention representing the new movement met for the second time in January, 1775, and was controlled by a coalition of the moderate and radical parties. This coalition not only dictated the position which the colony should take in international affairs, but it provided a means of overthrowing

86] and this action on their part gave him much encouragement, especially as the Assembly had ordered their resolutions of approval to be published [Votes, VI, 553]. "From this fountain (Congress) originates the authority of the committees . . . and I know not where such precedents may terminate," said a document handed around by the conservatives.

¹ The Committee of Observation, Inspection and Correspondence of the city of Philadelphia must not be confused with the Committee of Safety. The former was a radical, the latter a conservative body. In general the Committees of Safety were organized under the direction of the provincial legislatures, the Committees of Observation, Inspection and Correspondence (a portion of the name is often omitted) came from the people and had no legal basis aside from their recognition by the continental authorities [See the Letter of a Conservative as to the Power Assumed by the Philadelphia Committee, in *Force: American Archives*, IV, 2, 238].

the legal Assembly of the State. In the name of the colony of Pennsylvania it formally approved the resolutions passed by Congress and agreed to support the association which that body had recommended. If the burden of resistance to England should fall upon the city of Philadelphia, the western counties assured the convention that their active support could be relied upon. In order to forestall any retrograde movement to which the conservative Assembly might incline, the new government authorized the Philadelphia committee to assume control of the province after its own adjournment, and in case of need to call a new convention.¹ Thus the representatives of radicalism put themselves at the head of the colony. Already the Committee of Safety, representing the legal Assembly, had displaced the governor in the exercise of executive functions. The year 1775 saw this committee in its turn overthrown and a body representing the more radical party installed in its place.

Threatened by the rise of this new power, the Assembly also took its stand in support of the Continental Congress.² When the governor asked the colony to present an individual petition to the Crown, the Assembly by a vote of 22 to 15 refused to disassociate its case from that of the other colonies or to withdraw from the Congress. It declared that "this

¹ The resolutions of the convention were published in the *Pennsylvania Gazette*, February 1, 1775.

² The Continental Congress had met in September, 1774. One of its first acts was the approval of the Massachusetts resolution "that no obedience was due from the province to the late cruel, unjust and oppressive acts of the British Parliament. . . . If the same shall be attempted to be carried into execution by force, in such case all America ought to support [the people of Massachusetts in] their opposition." Unquestionably this resolution was an act of rebellion [See Dartmouth's letter to the Colonial Governors. *Force: American Archives*, IV, 1, 1085], yet the Assembly of Pennsylvania "unanimously approved the transactions of the first Congress and appointed deputies to attend another" [Gov. Penn to Dartmouth, *Ibid.* 1081]. In the words of the Governor, "there seemed to be everywhere too general a disposition to adhere strictly to the resolutions of the Congress."

House will always pursue such measures as shall appear to them necessary for securing the Liberties of America."¹

Meanwhile the colonial populace was clamoring for action, but the moderate party in the Assembly would support the radicals in nothing but resolutions. The anti-English sentiment was fostered by the insolent behavior of the naval officers on the Delaware, who not only robbed boats of their cargoes, but frequently confiscated the vessels themselves. The temper of the people was rapidly approaching the stage where deeds rather than words would be demanded, when, just before the meeting of the second Continental Congress, the flame of actual conflict burst forth. The battle of Lexington showed that war was the probable solution of the international problem. It necessitated a national government and just as certainly it necessitated a change of policy and a transfer of authority within the colony of Pennsylvania. Those who wished to retain the old order within the colony, as well as those who sided with England in the larger question, recognized that a national Congress and a state military organization would tend to defeat their purpose. The conservatives therefore not only refused to arm, but they sought to discredit Congressional action. It was asserted that New England ruled the Congress and that her aim was not only a national government but a national church. Pennsylvania had thus far tolerated all sects. The new movement, it was claimed, meant an alliance between New England Congregationalism and Pennsylvania Presbyterianism—a state church supported in their own colony by a Presbyterian convention.²

¹ The western counties and Philadelphia favored this resolution 12 to 3; the east opposed it 12 to 10, Votes, VI, 577.

² On January 31, 1775, Thomas Wharton wrote to his brother that a particular sect "are working the several late acts of Parliament relative to Boston and Quebec up to a much higher pitch than the nature of the case requires, and doing their utmost to involve the whole continent in the same unhappy predicament as Boston is, not doubting when that's effected they can successfully oppose our

To these charges there came immediate reply. "Permit me fellow-citizens," wrote one Whig,¹ "most respectfully to guard you, in these critical times, against paragraphs and extracts from public papers . . . especially those which may tend to infuse jealousies and suspicions of our brethren in the neighboring colonies, particularly at Boston." So in regard to Congress, "The American . . . [cause] derived its principal weight and dignity from the late Congress. It gave form and order to what would have been chaos and confusion if left to the provinces separately—let it once be thought that it wants the support and confidence of the people, all its terrors vanish, and the ministry will rise like a giant."

The arguments of the Whigs prevailed, and the Assembly did not dare take any backward step. On May 2,² Governor Penn sent to the legislature the resolution of Parliament offering exemption from all taxes—except such as were levied on commerce—to those colonies whose individual legislatures should agree to contribute their due proportion toward the expenses of defence and civil government. The governor

present state, but the thoughtful among us can not help asking what is to be the next step if England should be overcome?" He continued: "Our friends . . . (wonder) what redress is to be expected, what civil or religious liberty enjoyed, should others gain the ascendancy. . . . The times are such that it won't do for me fully to express my sentiments. The enclosed letter will inform thee to what a pitch a part of the inhabitants of Maryland are got . . . especially those who reside to the western end, most of whom are of our particular sect."

"I most ardently pray that the measures which our sovereign and the parliament may pursue may be such as to restore our ancient and happy connection."

Many of the Quakers were not so fearful of religious persecution. Among them were Samuel Wetherill and Christopher Marshall. A good account of the religious sentiment is given in Westcott: *History of Philadelphia*, Chapter 174, and there are many entertaining passages in Marshall's diary. See also Hodge: *History of the Presbyterian Church in America*, 438 and following, Wells: *Life of Samuel Adams*, II, 369, and the Wharton manuscripts.

¹ Gazette, January 11.

² Votes, V, 583.

accompanied the resolution with a letter asking the Assembly to rescue "both counties from the dreadful calamities of a Civil War." The battles of Lexington and Concord, the attitude of the people, and the open threats of a new convention prevented the Assembly from weakening, and on May 4¹ a committee of twelve, one from each county and one from Philadelphia, declared in a firm tone: "We cannot think the terms pointed out afford a just and reasonable ground for a final accommodation. . . . Your Honour must know that they (the colonies) have ever unanimously asserted it as their indisputable Right that all Aids from them should be their own free and voluntary gifts not taken by Force nor extorted by Fear. Under which of these Descriptions the 'Plan held forth and offered by the Parent to her Children' at this Time with its attendant Circumstances, deserves to be classed, we chuse rather to submit to the Determination of your Honour's good Sense, than to attempt proving by the Enumeration of notorious Facts or the Repetition of obvious Reasons." Then followed the determination of the colony not to act apart from her sister States, the address closing with the statement that a subversion of the "Liberties of America" is a greater misfortune than "the calamities of a Civil War." "We should esteem it a dishonorable desertion of our sister colonies . . . to adopt a measure so extensive in consequence without the advice and consent of those colonies engaged with us by solemn ties in the same common course."²

In the colony, at least among the radical element, this decision was accepted as settling the question. It was at once assumed that Congress would decide to force England into a concession of the definite rights which the colonies had claimed under the Constitution. On the same day³ a petition

¹ Votes, VI, 584.

² See also the *Pennsylvania Journal*, May 10, where the action of the Assembly is published.

³ May 4, Votes, VI, 585.

"from a considerable Number of the Inhabitants of the City and Liberties of Philadelphia" was presented to the house and read, setting forth "that the Petitioners deeply affected with a Sense of the imminent Dangers to which this Province particularly, and the Colonies in general, are exposed at this Instant are compelled by the first Law dictated by Nature to endeavour to preserve themselves from utter Destruction." . . .

"Affairs being now reduced to Extremity by the Commencement of a Civil War on this Continent, which in all Probability, must in its course soon reach Pennsylvania," the petitioners asked for a grant of fifty thousand pounds at least "toward putting this Province into a State of Defense." This proposition excited even more opposition than the resolutions just carried. Protests were heard, but they were ineffectual. Four months earlier it is doubtful if the Assembly would have listened to such a demand. Naturally some did not approve in May, but the spring of 1775 had persuaded many people of moderate views that it was necessary to be prepared for action. Fully convinced that America was right in her claim, they had determined that her claim should be supported. Other moderates reasoned in a different manner. It was evident to them that the colony of Pennsylvania would be forced into the revolutionary movement. Was it not better that the legal Assembly, controlled by the education and wealth of the province should guide her course? ¹

¹ The ideas of a large party in the Assembly were probably better represented by Galloway in his "Candid Examination of the Mutual Claims of Great Britain and the Colonies" first printed in New York in 1775. On September 27, 1774, he had presented to the first Congress his scheme of union, in which he had above all emphasized the necessity of a strong government to unite the colonies. John Adams [Works, II, 388-390] gives an account of the arguments used in support of the plan. "We must come upon terms with Great Britain." "I know of no American Constitution; a Virginia Constitution, a Pennsylvania Constitution, we have; we are totally independent of each other." . . . "Our

On April 24 the reports of the battles of Lexington and Concord had been received. The result was an outburst of indignation, which for the time placed the colony in the front rank of resistance. On April 25 eight thousand people had gathered at the State House and unanimously resolved to "associate together to defend with arms our property, liberty and lives against all attempts to deprive us of it." The Gazette published letters¹ from other towns, saying that parties were being forgotten and that union was at hand. At once the Committees of Correspondence took charge of military affairs, and even clergymen began to drill their parishioners. The Assembly granted the money desired, and by the time Congress assembled on May 10 the city had a martial appearance. Franklin had become convinced two months before that petitions were not the true remedy for the evils under which the colony was suffering. As early as December he had told Chatham that any "unforeseen quarrel between a drunken porter and a soldier might bring on a riot and produce a breach impossible to be healed."² In February he joined his colleagues in a letter to the Pennsylvania Assembly declaring his belief, and on March 20 left England for America. On May 1 this letter was read to the Assembly.

legislative powers extend no further than the limit of our governments. . . . There is a necessity that an American legislature should be set up, or else that we should give the power to parliament or King." His "Candid Examination" again presented this plan as a true remedy for the lawless state in which affairs then were. "Independency," he asserted, "means ruin. If England refuses it, she will ruin us: if she grants it we shall ruin ourselves." (Pp. 31-32). In the Congress he found the cause of the anarchical spirit prevailing in the colony, and he urged the people to overthrow that body, petition through the Assembly and ask for the ancient right of participating in the true authority of Parliament or of creating an Assembly for the united continent under the presidency of the King's representative. Then will order, peace and prosperity be again obtained. (Pp. 59-61.)

¹ April 26 and postscript of 27.

² Works, V, 479.

In it the colonial agents reported that nothing was to be gained by further petition, for the ministry was determined first of all to compel obedience to the laws. The votes of Parliament were read, which declared that a state of rebellion already existed in Massachusetts, whose inhabitants "have been countenanced and encouraged by unlawful combinations and engagements . . . in several of the other colonies" and it was stated that Parliament had pledged itself to support the king in whatever measures he might take to put down the rebellion.¹

The long-dreaded crisis seemed to be at hand. The use of force in defence of right had been justified, the colony had put its cause in the hands of a Congress, which as a last resort had determined to petition for redress. The news of the contemptuous treatment of that petition and the announcement by the Crown that rebellion existed and would be suppressed by force came to the colony together. The question was now whether Pennsylvania would remain true to her former position, stand by the union of the colonies and the majority of Congress, or retreat. Upon this question the conservatives and radicals, the legal and the illegal governments divided. "The Congress of 1774," said Jefferson to Randolph,² "stated the lowest terms they thought possible to be accepted in order to convince the world that they were not unreasonable. . . . But this was before blood was spilt. I cannot affirm, but have reason to think these terms would not now be accepted," and Zubly, of Savannah, who was in Philadelphia, said the same in a letter to Dartmouth.³ All the evidence seems to show that the middle and lower classes in Pennsylvania were in favor of maintaining united and forcible opposition. Concerning the moderate party and the wealthier merchants,

¹ Votes, VI, 582.

² August 25, 1775. Force: American Archives, IV, 3, 431.

³ Force: IV, 3, 634.

opinion is divided. On the one hand the opposition was said to be confined to the lower people who wished "to continue their own power in the colony."¹ On the other it was stated that "all the wealth, virtue and understanding in the province," except Bucks County and certain Quakers, was on the side of liberty.² A letter to London declared that "you would hardly conceive without seeing it, to what a height the political fury of this country has arrived. . . . If the government means to do anything they must do it quickly," and a Maryland clergyman said "that a sure way to make rebels was to declare people such while innocent."³ In quite a different tone a correspondent of Rivington's Gazette had written a little earlier (March 2): "You may be assured there is a most amazing change of sentiment in the people of the province of Pennsylvania. The Quakers, high and low Dutch, the Baptists and others are warmly opposed in their opinions to the violent and independent measures lately adopted and wish for others more moderate, prudent and rational."

Affairs had reached the stage where old policies could no longer be pursued. War had virtually been decided upon and the party eager to fight was the party which had never considered itself fairly treated by the Assembly. Rather than lose the support of so large a colony as Pennsylvania, Congress and the Whigs in general would recognize the new and radical organization as the legal government of the province. Only in one way could Pennsylvania be controlled by her most intelligent and able citizens. Moderate men like Franklin and Dickinson, Wilson and McKean must put themselves

¹ Letter of February 16. Force, IV, 1, 1231.

² *Ibid.*, p. 1270. "It is impossible to describe the military ardor which now prevails in this city. A considerable number of the FRIENDS have joined in the military association. There is one company composed entirely of gentlemen belonging to that religious denomination" [Pennsylvania Journal, May 10, 1775].

³ Force, IV, 3, 3; IV, 3, 9.

at the head of the new movement and control it from within. Either the old Assembly must be remodeled on popular lines or a new Assembly must be established. The old leaders would go no farther than they were driven and their constituency regarded the new movement with horror.¹

¹ Against radical measures there came urgent protests. According to Galloway in a letter to New York [February 14, 1775. *Pennsylvania Magazine of History*, XXI, 481], the excitement was because "we want what you fortunately have, a free Press to recall the deluded people to their senses." The Quakers especially declared against the movement. The closing words of the testimony issued by the joint meeting of New Jersey and Pennsylvania said :

"We are therefore united by a sincere concern for the peace and welfare of our country, publicly to declare against every usurpation of power and authority, in opposition of the laws and government and against all combinations, insurrections, conspiracies and illegal assemblies ; and as we have restrained from them by the conscientious discharge of our duties to Almighty God by whom Kings reign and Princes decree justice, we hope thro' his assistance and favor, to be enabled to maintain our testimony against any requisitions which may be made of us, inconsistent with our religious principles, and the fidelity we owe to the king and his government as by law established, earnestly deserving the restoration of that harmony and concord which have heretofore united the people of these provinces and been attended by the divine blessing on their labors, James Pemberton, Clerk " [*Pennsylvania Gazette*, February 1, 1775].

Marshall, in his diary for January 24, notes : " Meetings daily amongst the Quakers, in order if possible, to defeat the pacific proceedings of the Continental Congress, calling upon their members not to meet the county committees but entirely withdraw from them under the penalty of excommunications. . . . This day was also a paper published called a Testimony, &c., in which is contained such gross abuse against all persons that oppose their fallacious schemes, and stuffed with such false contradictions that it will be a lasting memento of the truth of what Robert Walker . . . said : the Lord is departed from you as he did from Saul."

There was a portion of the denomination, however, which sought to explain away this declaration and to justify themselves in the support which they gave to the patriot cause. The testimony was aimed at riotous and indecent behavior, they claimed, and not against an orderly well regulated demand for their rights. From this movement resulted in time the so-called fighting Quakers. This explanation appeared originally in the *Journal* of February 1, and was later reprinted in the *Gazette* (March 8). Efforts were also made by various parties to belittle the Quakers' position by reprinting former speeches and writing of Friends in which defensive warfare was advocated as a necessity. "B. L." thus explains the testimony [*Pennsylvania Journal*, February 1, 1775] :—

Either the moderates or the radicals must now lead, and above all others Dickinson could have assumed the responsibilities of leadership. Up to this time he had acted as though war was inevitable, and the fact that he had tried his best to

"Respected Friends: It is a duty incumbent on societies or individuals to vindicate or explain any public transaction which excites general disgust or uneasiness be the ground ever so slight. I have therefore preferred your paper as being more generally read by those calling themselves the Sons of Liberty; in order to remove those suspicions and misapprehensions which a late publication as from the Society of Friends has produced. Those who supposed this testimony to be pointed against the measures thought necessary for the public interest have not attended its language or the conduct of that society since our unhappy dispute with the mother country commenced. A due regard to these will show that it is intended to preserve the general cause from being sullied by the violence or caprice of rash and turbulent minds. The society hath ever been distinguished for its loyalty to the King and its obedience to his government. This is therefore recommended in the strongest terms but by no means implies a loyalty to Parliament or a Government of fellow subjects over fellow subjects, the impropriety and injustice of which must be apparent to the meanest capacity. A due submission to the King and his Government most evidently means such a government as an English King has over English subjects; a government bounded and limited by law, and founded upon the two great principles of the English Constitution which entitle the governed to dispose of their own property and to partake in legislation. This is the government for which America is contending in which our duty to the king and our own rights are so happily blended.

"A due caution is also given against riots, illegal combinations and assemblies which by a strained and forced *influence of some weak or prejudiced minds* has been supposed to allude to the Congress, Committees, etc., bodies to which such terms are by no means applicable . . . for the following plain reasons: (1) The peaceable meeting of persons and discussion of public affairs, let it be called by what name it will, is so far from being condemned by any law, that it is the best security of our happy constitution that it is lawful. (2) It cannot be supposed that any English subject possessing the smallest portion of virtue and knowledge in the English constitution would by such imputation condemn the three noblest assemblies who dignify the page of that history. The Barons who obtained Magna Charta from King John, the assembly which restored Charles II., and the convention at the revolution which placed King William on the throne . . . were all formed on the same principles and the same necessities as the late American Congress. (3) The *supposition would condemn* the very meeting whose publication we are considering. It is called a meeting of representatives from New Jersey and Pennsylvania. By what authority did these representatives meet? The discussion of political questions is no part of the discipline or system of a religious society nor comprised within the jurisdiction of any

prevent it, would have given him the support of the great middle party in the colony. August 20, 1774, he had written to Arthur Lee: "The insanity of Parliament has operated like inspiration in America. They are mad, to be sure, but in their phrenzy they have discovered invaluable truths. The Colonists know now what is designed against them. All classes of people are surprisingly united in sentiment . . . The first step . . . will be non-importation . . . the next . . . non-exportation." "If severities increase events will inevitably take place which a man so connected with this continent as you are must view with inexpressible pain of mind. The people in general throughout the country look forward to extremes with resolution."¹ After the

meeting among Friends which only affect religious concerns or the economical affairs of the society. An extraordinary occasion produced an extraordinary Meeting but not an illegal one, because there is no law which prohibits the king's subjects from meeting to discuss any political question. In this case it was a laudable one as its intention must have been to make a timely provision against those irregularities and tumults which public commotions often create. (4) That the present Congresses and Committees were not meant appears from the conduct of the worthy Friend whose name is to the publication, who has been present in such assemblies and took an active part in the choice of the Committee last summer which could not have had his concurrence if included under any of the descriptions of a riot, rout, illegal combination or assembly ;—I might add, that several respectable members of this society have not only served on former committees of this kind, and acquiesced in the present measures, but have returned their thanks to the Committee of this City for an alteration made in disposing or storing their goods imported under the Association of the late Congress—Procedures wholly inconsistent with the idea of its being an illegal Assembly.

"Upon the whole, it is presumed, enough has been offered to show that this testimony could *not be intended to cast any disrespect* upon the course of public liberty much less to create divisions and discord. Taken in its true and proper light it is calculated to point out those rocks of licentiousness and outrage which often lay concealed under the smooth surface of the fairest pretensions and have proven fatal to the best causes. It is indeed to be wished it could have derived more respect and authority from the members and weight of the representation . . . but the intention certainly has merit however it may be thought to fall short in the execution."

¹ Force: American Archives, IV, 1, 726.

meeting of the Congress of 1774 he seemed to think with Jefferson that unless the terms of the American petition were complied with, war must follow. October 28 he wrote to Quincy :¹ "The most peaceable provinces are now animated, and a civil war is unavoidable unless there be a quick change of British measures. The usual events, no question, will take place if that happens—victories and defeats. But what will be the final consequence? If she (England) fails, immediate distress, if not ruin; if she conquers, destruction at last. . . . Several European powers will fall on her as soon as she is entangled with us. If they should not, what can she effect at three thousand miles distance against at least four hundred thousand freemen fighting *pro aris et focis*? . . . Oh! for a warning voice to arouse them to conviction of this important truth, that the reconciliation depends upon the passing moment, and that the opportunity will in a short time be irrevocably past as the days beyond the flood." Other passages in this letter show that thus far nothing had happened in Massachusetts of which he did not approve. In New York he was understood to be in favor of violence in case the petition of Congress was not approved,² and although no one probably desired a peaceful solution more than he, the battle of Lexington seems to have convinced him that the popular current had set too strongly against England for peace to be maintained.

The following letter from New York dated March 23, 1775, gives the Tory view of Dickinson's position:

"In your Farmer's letters . . . you positively pronounce that the King is the ruling power in whom is justly vested the regulations of trade, etc. . . . I perfectly remember your asserting the dependence of the Colonies on Great Britain

¹ Force, IV, 1, 947.

² See the letter to the Philadelphia Committee, in Force, IV, 2, 238.

in the most positive terms, and you have now set your seal¹ to a resolution of taking up arms against your sovereign unless King, Lords and Commons relinquish their claim to the very privileges which, seven years ago, you spent whole pages in defending their right to. . . . What! deliver a petition to the greatest Monarch on Earth with one hand and hold a sword in the other, with a paper on the point of it, containing the following words: 'if you do not give up your legal authority over the Colonies, we will break off all connection with you and by withholding certain articles we will drive Great Britain, Ireland and the West Indies into such convulsions as will shake your throne, and enable us to command our own terms.' . . . I am at a loss what name to give your boasted intentions of wounding the commercial interest of Great Britain. If you really mean what you say it is the greatest infatuation. The island of Teneriffe might with as great a prospect of success threaten to ruin Willing and Morris by not trading with them, when every other corner of the habitable globe pants for their correspondence." The letter declared that war must come unless the colonies abandoned their position and pictured the results. It urged Dickinson to come over to the English side, saying that his influence would turn all the lower order of men in Pennsylvania who were his bigoted followers, and would prevent that declaration of independence which was the popular desire. After maintaining the impossibility of successful resistance, an appeal to sentiment is made. "Is it possible, Sir, that a man of your penetration should expect or wish that Great Britain should be bullied into abject submission."²

In spite of such appeals Dickinson seems to have continued in his former conviction that war was the only logical outcome. April 29 he wrote to Lee :

¹ By the Resolutions of Convention January, 1775.

² Force, IV, 2, 212.

"What topics of reconciliation are now left for men who think as I do, to address our countrymen? . . . Have we the slightest reason to hope that those ministers and representatives (in Parliament) will not be supported throughout the tragedy as they have been through the first act? No. . . . We are a united resolved people are, or quickly shall be well armed and disciplined. . . . Our towns may be destroyed, but they will grow again. We compare them not with our rights and liberties. We worship as our fathers worshipped, not idols which our hands have made."¹

With the meeting of Congress in May, Dickinson, uncertain as to the results of separation, and eager to prevent such an occurrence, made another effort for peace. By his personal popularity and his argument that the refusal of a second petition would unite all America, he finally succeeded in carrying his proposition for a new petition to the Crown. The petition was humble in its tone, and was very much of an anti-climax to the position which its author had previously taken. In a letter to Arthur Lee, written July 7, 1775, Dickinson explained the reasons for this attitude. "You will perhaps at first be surprised that we make no claim and mention no right. But I hope, on considering all circumstances, you will be of opinion that this humility . . . is at present proper. Our rights have been already stated, our claims made. War is actually begun, and we are carrying it on vigorously. This conduct . . . will show that our spirits are not lowered. The opportunity is now offered by an unexceptional petition [to stop the conflict.] If they reject this application with contempt, the more humble it is, the more such treatment will confirm the minds of our countrymen to endure all the misfortunes that may attend the contest."²

There can be no doubt that this attitude of caution assumed

¹ Force, IV, 2, 443.

² Force, IV, 2, 1604.

by the moderates, and which is best represented by Dickinson's position, was extremely distasteful to the more active party in Congress and in the colony itself. Men of as different temperaments as John Adams and Thomas Jefferson resented it, yet they both admitted the ability of the party's representative. When Jefferson presented his declaration in 1775, it was too strong for the Pennsylvanian. "He still retained the hope of reconciliation with the mother country. . . . He was so honest—and so able—that he was greatly indulged by those who did not feel his scruples." Congress permitted him "to draw up the second petition to the King according to his own ideas."¹ Jefferson's views were evidently not expressed by the petition, for he remarked in regard to the attitude in which the Americans were placed :

"The disgust against this humility was general, and Mr. Dickinson's delight at its passage was the only circumstance which reconciled (the delegates) to it." "The author of the petition said that the only word in it which dissatisfied him was 'Congress,' at which B. Harrison answered that was the only word he liked in the whole declaration."² Adams was harsher. In a letter to James Warren of August 17, which was intercepted and published in the papers, he said :

"A certain great Fortune and pidling Genius whose Fame hath been trumped so loudly, has given a silly Cast to our whole Doings. We are between Hawk and Buzzard. We ought to have had in our Hands a Month ago, the whole Legislative, Executive and Judicial Power upon the Continent, and to have completely modelled a Constitution, have raised a Naval Power and opened all our Ports wide, to have arrested every Friend to Government upon the Continent and held them as hostages for the poor Victims in Boston and then opened the door as wide as possible for peace and reconciliation."

¹ Jefferson Works, I, 11.

² See Jefferson's account in his Autobiography.

In Pennsylvania the radicals agreed with Adams and Jefferson. Further petition might please certain of the Quakers and satisfy certain English sympathizers, but it was not the mode of settlement which the Scotch-Irish or others of the Whig party supported. Existing conditions were rapidly making all citizens of the province of equal consequence, and until this equality was recognized the latter immigrants of all men were least eager for restoration of the old calm. Moreover, they felt that resistance to England was the only mode of inducing her to listen to their protests. Past experience had taught them that requests—unless supported by force—were little heeded by the English Crown. This feeling was more pronounced in the west than in the east, but it was not confined to that section. Ettwein, the Moravian clergyman already mentioned, speaks strongly of the feeling among his countrymen, and Graydon's view is in his memoirs. "As to the genuine sons of Hibernia it was enough for them to know that England was the antagonist. Stimulants here were wholly superfluous . . . and the great body of German farmers were readily gained to the patriot cause." The one thing needed was adequate leadership, and by neglecting this opportunity the moderate Whigs opened the door to radicalism and bigotry, a condition worse than the oligarchy of early years.

Dickinson was convinced of the justice of the American cause, but he had the strongest opposition to anything approaching confusion in government. He had entered the contest against England with the hope that protest alone would induce that country to yield, and when it did not he was unprepared to go further. He had sanctioned illegal measures within his own State, but only because he considered them temporary. As he saw the country drifting toward independence he saw as well that the illegal machinery of government which he had helped to call into existence

must bear the burden of colonial defence. The people whom he considered capable of self-government were in large part indifferent, or on the English side of the controversy, a side which he believed to be wrong and would not support, although he had not the trust in democracy which enabled him to put himself at the head of the new movement. He therefore advocated temporizing measures, and gradually lost his influence. He was shrewd enough to see that independence meant the control of his own State by the less cultured elements, and he could not act in harmony with them. On the other hand, he could not put himself in opposition to Congress, for he considered that in the event of independence Congress alone would be able to rescue Pennsylvania from anarchy. In all these regards he was the type of that large moderate element in the State which refused to head any positive movement and was finally crushed for no other fault than the lack of a definite policy. The moderates combined a recognition of the justice of the American cause with an aversion for those who were upholding it, and there is nothing which democracy more quickly resents than a distrust of its own ability.

From the beginning the popular movement in Pennsylvania had recognized in the Continental Congress and the illegal organization throughout the State, the means of gaining their rights not only from England but from the unrepresentative Assembly. It was on the recommendation of Congress that the various committees were chosen and the illegal system of government organized.¹ On the committee organization rested the provincial convention which had been dictating to the legal Assembly, while in England the Congress was considered as usurping the powers of the State governments.² The Colonial

¹ See Force, IV, 1, 966.

² "If New York would be handed down to posterity as the truest friend of America let its legislature assert and exercise those powers which have been wrested from it by the Congress" [Force. IV, 1, 1103].

Assembly was discredited by its unwillingness to take decided action and there was a feeling that a State convention which would be willing to lead should be summoned. Several county committees in the spring of 1775 went so far as to select delegates to any convention that might be called,¹ and even its opponents recognized the position of supreme importance in State politics occupied by the new organization.

Under these conditions, every unwilling grant made by the Assembly in response to insurgent demands only hastened its own overthrow. It was undermining its own position while it gave arms to its opponents. Immediately after the meeting of April 25, it had voted to raise 4,300 men for the defence of the colony. It had authorized the commissioners of the several counties to provide recruits with arms and accoutrements. It had appropriated £2,000 for the use of the City Committee, and £5,000 to provide such colonial stores as the committee considered expedient. It had appointed Franklin, Wilson and Willing as congressional delegates. All measures had been taken under compulsion, and on May 13, 1775, it left the City Committee, in conjunction with the Committee of Safety, controlled by Franklin, in charge of the colony by adjourning until June. The influence of the old Assembly was weakening and doubters changed their allegiance. The governing board of the Moravian Church hastened to put itself as nearly as possible in line with the new order. It directed its members to prevent rebellion as long as they were able to do so, not to take up arms themselves if it was possible to substitute money contributions, but to subordinate themselves to the existing government whatever it might be. "We never did nor never will act inimically to this country. . . . We will not oppose any civil rule or regulation where we can keep a good conscience nor . . . withdraw our shoulders from the common burden."²

¹ Bedford, February 11; York, February 14; Berks, May 8.

² Ettwein's statement.

Even before the adjournment of the Assembly real power had been assumed by others. The Convention, the City Committee and the personality of Franklin were the controlling forces in the colony, and with the departure of the Assembly there was no resistance to their control. The Governor was the only centre around which resistance could gather and he was practically ignored. Although the Council met until December,¹ the executive did nothing more than sign measures passed by the Assembly, appoint a few civil officials whose power was on paper only, and examine accounts. The Committee of Safety was composed of twenty-five members and nominally stood for the legal Assembly, but it was practically a small oligarchy controlled by Franklin and it acted in unison with the extra-legal Congress and the popular sentiment. At no time during its sessions² were more than thirteen members present, and at times the number sank to three or four.³ When it approved the rules which the associators had themselves framed there were but nine or ten members present.⁴ The unwieldy city committee of sixty-seven members acted for both city and colony, and was the real force, as in the year before. Under its direction premiums were offered for the erection of fulling mills "agreeable to the Provincial Convention;"⁵ merchants were warned not to import goods through the Dutch colonies;⁶ individuals were compelled with "sorrow and contrition to confess their folly" in defending the King's cause; powder mills were encouraged, and action taken against pilots who aided in landing forbidden merchan-

¹ December 9, Colonial Records, X, 275.

² It was superseded in October.

³ Colonial Records, X, 282-373.

⁴ August 19, 26, 29.

⁵ Gazette, March 8, 1775.

⁶ Gazette, April 5.

dise.¹ No better example could have been set for the overthrow of a government than the power exercised by this unwieldy committee, whose only real support was popular sentiment and the national Congress.²

Meanwhile the extra legal movement for a State militia which had been given a great impetus by the news from Lexington, and the legislative appropriations, had taken definite shape. Voluntary companies of Associators had been formed, and on the reassembling of the legislature in June it was urged that these troops should be recognized as a regular State organization. The Committee of the City and Liberties of Philadelphia, on June 23, petitioned the Assembly that a military force should be raised and that a Committee of Safety and Defense should be organized, composed either of members of the Assembly or of others, as might seem most desirable, who should be clothed with discretionary powers to act in case of invasion or threatened invasion, and that they should have power to appropriate such public monies as may be already raised, or to raise such further sums on credit or otherwise as may be necessary. Again the Assembly showed that it could be forced into the approval of illegal actions even such as delegated financial authority or formally deprived the governor of his executive powers. Measures were passed in accordance with the wishes of the petitioners.

{ At once there arose the question of the attitude to be assumed towards the non-combatant sects, the last great question which the Assembly was allowed even nominally to settle. A compromise was attempted by a vote³ in which as a recognition of conscientious scruples, the Assembly earn-

¹ Gazette, June 28, July 5, 19.

² The feeling toward Congress on the part of the Committee of Safety which was working with the City Committee is shown in Franklin, Works, V, 536.

³ June 30.

estly recommended to the Associators for the defence of their country, and others, that they bear a tender and brotherly regard towards this class of their fellow subjects and countrymen, and to these conscientious people it also recommended that they cheerfully assist in proportion to their abilities such persons as cannot spend both time and substance in the service of their country without great injury to themselves and families.¹ The same policy of recommending financial aid where actual service was not given was followed by the Committee of Safety on July 18. People who could not conscientiously bear arms were asked to "contribute liberally in this time of universal calamity to the relief of their distressed brethren."² This action of the Committee on Safety was taken at the same time as that of the Congress and furnished the precedent on which laws as distinct from recommendations were later enacted.³

Already the national body in its communication dated June 22 recommending the formation of more companies of riflemen by the colony, and the consolidating of the eight companies into one battalion, had resolved that the battalion should have "such Field and Under Officers as shall be recommended by the Assembly or Convention of the above Colony," thereby showing its willingness to accept either body as the provincial government, and by its own action, on June 30, the Assembly in reality abandoned the power which in May it had temporarily resigned. On that day it resolved, "That this House approves the Association entered into by the good people of this Province for the Defense of their lives, Liberty and Property." "That if any invasion or landing of British troops or others, shall be made in this or the adjacent Colonies during the present Controversy, or any

¹ See Journal, July 5; also Votes, VI, 594.

² Journal, July 19.

³ See Pennsylvania Gazette, July 26, 1775.

armed ships or vessels shall sail up the river Delaware in an hostile manner and such circumstances shall render it expedient in the judgment of the Committee hereafter to be appointed, for any Number of the Officers and Private men of the Association within this Colony to enter into actual service for repelling such hostile attempts this House will provide for the pay and necessary expenses of such Officers and Soldiers performing such military Duty while they are in such Actual Service." It provided for the encouragement of county levies; for the manufacture of saltpetre, gunpowder, etc.; for the collection of stores in the province, and appropriated £3500 for the public defence. It then elected the members of the committee to superintend the work arranged, gave them practically unlimited power, and provided for the striking of a sufficient amount of bills of credit to pay this expense. Finally having resolved that "the House taking into consideration that many of the good people of this Province are conscientiously scrupulous of bearing Arms, do hereby earnestly recommend to the Associators for the Defense of their Country and others, that they bear a tender and brotherly regard toward this Class of their Fellow Subjects and Countrymen; and to these Conscientious people it is also recommended, that they cheerfully assist in Proportion to their Abilities, such Associators as cannot spend their time and substance in the public Service without great Injury to themselves and Families," the Assembly adjourned to September 18.¹

By this action it is to be noted that the whole executive control of the province was placed in the hands of a committee; that the Associators who were the leaders in violent action throughout the colony were approved; and that the mild recommendation to have consideration for those to whom conscience was a bar against service was accompanied by a recommenda-

¹ Votes, VI, 593-594.

tion to such persons to contribute financially to the cause. The Assembly, by implication at least, handed over to the tender mercies of the military all those who would neither fight nor pay. The same resolution which recommended that the Association have a tender regard for their fellows, recommended that their fellows have a financial regard for the Associates. When it is remembered that the Friends had already¹ officially declared that in no way would they support illegal and rebellious bodies, the weakness of the position assumed by the Assembly is evident. It was a time when decided and strong measures were becoming more and more necessary, yet the Assembly continued to temporize.² It did

¹ January 30.

² The changed attitude in Pennsylvania and the call for decided action were indicated by the sermons of Whig preachers. Thus, in a sermon upon the existing situation of American affairs [Christ Church, June 23, 1775], afterward printed and published by Humphreys, Dr. William Smith compared the English and American settlements to the division of the children of Israel by the river Jordan. Like the two and a-half tribes who separated from their fellows, the Americans obtained their holdings by contract. "Like Reuben and Gad, we have chosen our inheritance in a land separate from our fathers and brethren. This inheritance we likewise hold by a plain original contract entitling us to all the natural and improveable advantages of our situation and to a community of privileges with our brethren in every civil and religious respect, except that the throne or seat of empire (like the Jewish Altar) was to remain among them. We thought it our duty to build American Altars—(*i. e.*, constitutions of government)—as nearly as we could upon the great British model." It is because England has changed her gods (*i. e.*, the ideals on which governments were founded) that disagreements have come and embassies for reconciliation have failed. "The question now is, must we tamely surrender any part of our birth-right or of that great charter of privileges which we not only claim by inheritance but by the express terms of our colonization? I say, God forbid. For here I wish to speak so plainly that neither my own principles nor those of the church to which I belong may be misunderstood. . . . Religion and Liberty must flourish or fall together in America. We pray that both may be perpetual. A continued submission to violence is no tenet of our church. . . . When the weight of power grows intolerable a people will fly to the constitution for shelter, and if able, resume that power which they never surrendered except so far as it might be used for the common safety." Compare with this the attitude of the

nothing to strengthen the cause of conservatism within the colony on which its own life depended, while allowing, and even aiding, in the growth of the radical movement which would inevitably assume control when activity became necessary. As it had formerly allowed itself to be driven step by step into rebellion by popular meetings and illegal conventions, the Assembly during 1775 submitted to the dictatorship of military forces which represented the same element in more radical form. Neglecting to strengthen the conservative position, it would not put itself at the head of the advance movement. It thus paved the way for its own destruction. This destruction was inevitable unless peace should be restored by English concessions or quiet enforced by English arms. As in 1760, the Assembly could not lead in war and control passed to others.]

extreme faction among the Quakers. Congress had appointed July 20 as a day of fasting and prayer. At the monthly meeting, on June 30, according to Marshall [Diary, June 30], it was said that "J. P. (James Pemberton) took much pains in endeavoring to persuade the auditors and their acquaintance by no means to keep the twentieth of next month as a day of prayer and fasting." "Here," remarks Marshall, "is another flagrant testimony to the decay of primitive Christianity, viz: 'In the time of trouble call upon me.'"

CHAPTER XII.

THE ADVANCE OF THE REVOLUTIONARY MOVEMENT.

AUTHORITIES.

The main authorities for this chapter have been cited already. The Votes of the Assembly, the Colonial Records and the Pennsylvania Archives contain the official accounts of the revolutionary movement as it gradually crystallized into petitions and votes, but the press and pamphlet literature of the period shows the tendencies of the times more minutely. Of the newspapers, the *Packet and Journal* are especially useful, containing many expressions of opinion which are lacking in the more carefully written pamphlets. I have found valuable letters in the Force Collection at Washington and also in the publications of the Historical Society of Pennsylvania, which throw additional light on colonial conditions. Diaries and journals like those of Christopher Marshall and Jacob Ettwein, although colored by the authors' personality, are of assistance in showing the motives which governed the leaders in provincial politics as well as in picturing the course of events.

For one who does not have access to the original correspondence of the Friends or to the records of their monthly and quarterly meetings, the volumes of President Sharpless are extremely helpful, and for the period upon which we are now entering no other secondary authority gives a better account of Pennsylvania. Other aids that have been used are the Journals of Congress, the writings of Galloway, Franklin and Dickinson, and the life of the last-named statesman by the late Dr. Stillé.

{The year 1775 was notable in Pennsylvania history for more than the creation of new legislative and administrative bodies within the State. Throughout the colony, and particularly in the city of Philadelphia, military organizations were being completed which were a great support to the radical thinkers when the final test of authority was made.

Early in the year the Assembly had appropriated money for the defence of the province. On September 16 the Committee of Safety resolved "that Colo. Dickinson and Colo. Cadwalader be a Committee to draw up a Memorial to the Honorable House of Assembly setting forth the necessity of their granting a further sum of Money, and recommending

the building Magazines in some convenient place.”¹ On the twenty-ninth the following Memorial was adopted by the Committee and presented to the Assembly: “To the Honorable the Representatives of the Freeman, &c.—The memorial of the Committee of Safety respectfully sheweth: That the said Committee, in obedience to the orders of the House have taken upon them the execution of the important trust committed to them, and have proceeded to such measures as appeared to them necessary to effectuate the purposes for which they were appointed. . . . The sum of money granted by the House at their last sessions, has been either wholly expended, or remitted for the purchase of Arms and Ammunition, and a considerable sum is still necessary to fulfil the engagements already made for the above purposes and for the paying and vitualing of the Men in the Service.

“It must be obvious to the House, that much yet remains to be done to accomplish their salutary intentions, particularly if the British Ministry should obstinately persist in their present arbitrary Measures. Should this be the case (which from the present appearance of things seems but too probable), this opportunity may perhaps be the only one we shall be poss’d of to prepare the necessary means for the Defence of our just Rights, for there can be no doubt that vigorous exertions will be made to intercept future supplies. The Committee, therefore, apprehended it to be their indispensable Duty earnestly to recommend it to the House, to grant such future liberal aids, at their present sessions, as may in their wisdom, be judged adequate to the exigencies of the Province at this very important Crisis.” After recommending the establishment of a powder magazine, the Committee submits “to the House a matter interesting to the public welfare” in the following words:

¹ There were but ten members present when the resolution passed [Colonial Records, X, 338].

"The military Association entered into by numbers of the good People of this Province has received the approbation of the House and undoubtedly deserves every encouragement, as a Body of Freemen, animated by the love of Liberty, and trained to the use of Arms affords the most certain and effectual Defence against the approaches of Slavery and Oppression. It is to be wished therefore that this spirit could have been more universally diffused; but the Associators complain, and with great appearance of reason, that while they are subjected to expences to accoutre themselves as soldiers, and their affairs suffer considerably by the time necessarily employed in acquiring a knowledge of the Military Art, very many of their Country Men who have not associated are entirely free from these Inconveniences. They conceive that where the Liberty of all is at stake, every Man should assist in its support, and that where the cause is common, and the benefits derived from an opposition are universal, it is not consonant to Justice or Equity that the Burthens should be partial.

"The Committee therefore would submit it to the wisdom of the House, whether, at this time of general Distress and Dangers, some plan should not be devised to oblige the assistance of every member of the community. But as there are some Persons, who, from their religious Principles are scrupulous of the Lawfulness of bearing Arms, this Committee, from a tender regard to the Consciences of such, would venture to propose that their contributions to the Common Cause should be pecuniary, and for that purpose a Rate or Assessment be laid on their estates equivalent to the expense and loss of time incurred by the Associators. A measure of this kind appears to be founded on the Principles of impartial Justice, calculated to appease the complaints which have been made, likely to give general Satisfaction, and be, of course, beneficial to the great Cause we are engaged in.—B. Franklin, President."¹

¹ Votes, VI, 600; Colonial Records, X, 348.

The Assembly took no action upon this memorial during the remainder of the session,¹ but the sentiment expressed by the Committee in their resolution was by this time widely diffused throughout the community. Already on September 27, the Associators, in a petition to the Assembly, had made the same request as the Committee, urging that until some such measure was taken many Associators would refuse to sign the resolutions for their government. They also observed "that people sincerely and religiously scrupulous are but few in comparison to those who, upon this occasion as well as others, make Conscience a Convenience;—that a very considerable share of the Property of this province is in the hands of people professing to be of tender Conscience in Military matters and that the Associators think it extremely hard that they should risk their lives and injure their fortunes in the Defence of those who will not be of the least assistance in this struggle."²

The attempt upon the part of the Associators to make service in the State militia compulsory, or to require those who would not serve, to compensate for such inaction by the payment of additional taxes, was very unwelcome to many of the Friends and their Baptist and Mennonist allies. Especially was this the case when the volunteers were supported in their complaint by the Committee of Safety, by the Committees for the Counties, and at length by the national Congress.³ The

¹ On September 30, the memorial of the Committee of Safety was "referred to the serious attention of the succeeding Assembly" [Votes, VI, 609].

² This feeling found general expression in the newspapers. Thus, "Caractacus," in the *Packet* of August 21, said: "I can not help thinking it a little extraordinary, that the importer of a few English goods should be advertised as an enemy to his country, and all intercourse forbidden with him, and that an American should be suffered to fold his arms in his breast while every part of his country is open to the attack of an enemy. Such a man is an importer of slavery, and in spite of all his boasted zeal or artful subterfuges, I maintain that he is in the worst sense of the words, AN ENEMY TO HIS COUNTRY."

³ For the presentation in the Assembly of the resolve of Congress and of the Committee for Philadelphia, see *Votes of Assembly*, VI, 627.

non-combatant sects realized that unless energetic action was taken the only body in the colony which they recognized as legal—the Assembly—might also take radical measures against them, and they accordingly began a counter campaign. On October 27¹ a petition was presented to the Assembly which insisted that the reason immigrants came to America was to preserve their rights and privileges, and that the original compact made in England, as well as the Constitution of the province, expressly protected them against any violation of their conscientious scruples. The petitioners considered themselves “engaged with Christian Meekness and Firmness to petition and remonstrate” against any infraction of civil or religious liberty, yet they believed it their “Duty to submit to the Powers which in the Course of Divine Providence” had been set over them and that “just Reasoning and Arguments” were the proper means of redress.

This petition was at once answered by counter propositions from the Committee for the City and Liberties of Philadelphia, and by memorials from both officers and privates of the Associators.² These bodies evidently considered that the time for “Reasoning and Arguments” was past and that action was necessary. Owing to its manner of election the Assembly could not be controlled from within, but it was possible that it might again be overawed. On October 30³ a motion had been made and vigorously supported that the public be admitted to hear the debates of the house, but it had been defeated 18 to 9.⁴ The next day the sixty-six members of the Philadelphia City Committee, incensed by this note of

¹ Votes, VI, 634.

² Votes, VI, 638-642.

³ Votes, VI, 637.

⁴ Sixteen of the majority came from the eastern counties and the other two from Lancaster, while the minority was composed of seven western representatives and two members from Philadelphia.

defiance from the Assembly, gathered and marched in double file to the State House in order to emphasize the importance of their own petition. This appeal, which had been framed by a sub-committee of seven, took up one by one the arguments of the non-combatants and endeavored to overthrow them. "If the People called Quakers held these principles (of non-resistance) 'upwards of an hundred years ago,' and if the first Proprietor of this province, the Honourable Wm. Penn, Esq., was 'united with them in Religious Profession and Principle' which they expressly allege, it is very unaccountable to your Petitioners, that the said Wm. Penn should receive a Charter from King Charles II., in the year 1681, in the 16th section of which we find 'a power given to him, his Heirs and Assigns by themselves or their Captains, or other their Officers, to levy, muster and train all Sorts of men, of what condition soever or wheresoever born in the Province, for the Time being, and to make War—as fully and freely as any Captain General hath ever had.' . . . If also none but Quakers came over at first to this Province with the said Proprietor, and the Colony was intended for them, as the Addressors seem to intimate, your Petitioners cannot conceive that any other Persons could be made Captains or Officers or could be levied, mustered or trained at that time but themselves. . . . Be this as it may, your Petitioners beg leave to deliver as their humble opinion, that self Preservation is the first Principle of Nature and a Duty that every man indispensably owes not only to himself but to the Supreme Director and Governor of the Universe who gave him a Being, and that in a State of Political Society and Government all Men by their Original Compact and Agreement are obliged to unite in defending themselves and those of the Same Community against such as shall attempt unlawfully to deprive them of their just Rights and Liberties,—that those who withdraw themselves

from this Compact cannot be entitled to the Protection of Society."¹

The Associators did not hesitate to give the Assembly a hint that while they wished to obtain their demands from a legal source there were other powers in the colony which might be made available should the Assembly prove untractable. Ten days earlier² the City Committee had said to the legislature: "This Honourable House being the body from whom the People most earnestly wish to receive the Regulations which are become so indispensably necessary, the Petitioners do most earnestly pray that this Honourable House will recommend to the Inhabitants of this Province such military Regulations as, in their Wisdom, shall carry the recommendation of the Continental Congress effectually into Execution." The Associators go further. "As we fear the people will not longer submit to see the public Burthen so unequally borne, we earnestly beg, to preserve the peace of

¹ The Committee of Safety, whose remonstrance was framed by a sub-committee of seven, headed by McKean, also argued against the Quakers:

"These gentlemen want to withdraw their persons and their fortunes from the service of the country at the time when their country stands most in need of them. If the patrons and friends of liberty succeed in the present glorious struggle they and their posterity will enjoy all the benefits to be derived from it equally with those who procured it, without contributing a single penny. If the friends of liberty fail they will risk no forfeitures, but be entitled by their behavior to protection and countenance from the British ministry, and will probably be promoted to office. This they seem to deserve and expect." The Associators and more radical leaders could not understand the Quaker position. The danger from England was evident to all. Dr. Fothergill, in August, 1775, had written to James Pemberton: "America has nothing to expect henceforth but severity—I believe there is no scheme however contrary to the principles of religion and humanity that should be offered as likely to subdue America that would not be adopted" [Sharpless: *The Quakers in the Revolution*, p. 122]. It was not lack of information regarding British feeling which kept the Friends conservative, but rather an honest conviction that forcible resistance to England would be a sin. The more ardent spirits in America could not understand this position and therefore had no sympathy with its advocates.

² October 20, Votes, VI, 627.

the Province and the Consequence of your Honourable House (which we would wish to govern us in this important struggle, in preference to any other Body), you will be pleased to take in your consideration our former Memorials relative to our Association."

These petitions fanned the hostility between the radicals and conservatives within the province and some of the minor non-combatant sects began to acquiesce in the popular demands. In their petition to the Assembly of November 7,¹ the Mennonists and German Baptists, while still maintaining their conscientious scruples against fighting, expressed a willingness to pay for their inaction, and the house seized upon this mode of compromising the matter. It resolved on the following day that "the Military Association entered into for the Defence of this Province ought to be continued, encouraged and supported;" that it be "recommended to all Male white Persons within this Province between the ages of sixteen and fifty years who have not already Associated and are not conscientiously scrupulous against bearing Arms to join the said Association immediately; . . . that all Male White Persons between the ages aforesaid, capable of bearing Arms who shall not Associate for the Defence of this Province, ought to contribute an equivalent to the time spent by the Associators in acquiring the Military discipline, Ministers of the Gospel of all Denominations, and servants purchased *bona fide*, and for valuable consideration, only excepted," and "that the sum of eighty thousand pounds be immediately struck in Bills of Credit for answering the present exigencies of the Province." The measures thus resolved upon were afterwards, so far as was necessary, framed into bills and enacted by the house,² and although there was a close vote on the question of the rules for the regulation of

¹ Votes, VI, 645.

² Votes, VI, 649-51, November 16-18.

the Associators prescribing their drill, etc.,¹ it seemed that the Assembly by strict obedience might possibly retain its former authority within the province. An added dissatisfaction, however, was created by the notification received on November 9 from the colony's representative at London that the King would give no answer to the second petition of the Continental Congress. At once the question of further colonial action, either alone or in subordination to the Congress, arose and where national independence was the issue, the Assembly's efforts at compromise were no longer successful.¹

In Congress independence had been urged as early as July, but Franklin knew that the support of the moderate party in his own colony could not be secured for such a proposal until the hope of successful protest had been disappointed or until there was an established government ready to take the position from which the King was to be deposed. With the radicals, independence of England was secondary to independence of the Assembly,² but Franklin wished if possible to

¹ On November 15 the question of rules for the regulation of the Associators came before the house, but no rules were adopted until November 25, the last day of the session. An indication of the closeness of the vote on rules was given on November 17, when on the question whether the Associators should meet twenty-two times between that day and the succeeding October for drill, it was decided by the casting vote of the Speaker that they should not, and by the same vote twenty such meetings were allowed. Thirteen of the fourteen votes against both measures came from the east and twelve of them from the counties of Chester and Bucks. All non-Associators within the ages stated were taxed £2 10s. above the regular assessment [Votes, VI, 665].

² It must not be assumed however that the cause of independence had few or no adherents in Pennsylvania during 1775. Even before the battles of Lexington and Concord, Galloway, who would not exaggerate the size of such a party, had declared it to be of respectable proportions. In regard to his own pamphlet, *A Candid Examination*, etc., he wrote to a friend in New York: "I find it decried by none but Independents or such as are determined to bring about a total separation of the two countries at all events, and they are, you may be assured, but one-fourth part of our people." The increase of the Whigs he considered due to the bad news from London, and when the resolution of Parliament to uphold

unite the moderate and radical parties in favor of a strong government in both State and nation. In July¹ he presented to Congress a plan for an American federation which could easily be changed into an independent government. If his proposal could have been united with that of independence and the two issues made to stand or fall together Pennsylvania might have been won. The time however was not ripe for such a combination; the radical leaders throughout the country considered it best to urge the propositions separately, and the question of independence was proposed first. Franklin therefore devoted his attention to his own colony. He increased the means of communication between east and west, forwarded efforts for increased representation of the Susquehanna Valley in the Assembly and increased the compactness and efficiency of the extra-constitutional organizations throughout the State so that in case of need there would be influential forces on which reliance could be placed.²

The defeat in Congress of the movement for a national government had exactly the effect upon the more moderate Pennsylvania Whigs which Franklin had anticipated. So long as there was no other authority in America than a Congress to which each State sent delegates, but whose official powers had never been clearly defined, Dickinson and his followers, distrusting the radical party in their own State, hesitated to join the forces favorable to independence. In their opinion, a conflict with Great Britain, which had such an object as its avowed purpose, would, if unsuccessful, subject Pennsylvania to much harsher treatment than an unsuccessful conflict in

the King and the armed conflict became known, he wrote to the same friend: "We are on the brink of a precipice big with the fate of America" [Letters, April 1, and August 17, 1775, in *Pennsylvania Magazine of History and Biography*, XXI, 481].

¹ July 21, Works, V, 548.

² See for example the improved postal service between east and west advertised in the *Journal* of August 30.

behalf of the maintenance of constitutional rights within the empire. If independence was declared as the motive, success was indispensable, and without a strong central government Dickinson considered success very doubtful. Such a government would assist in gaining an alliance with France. It would place the national finances in better condition and it would declare to all, the religious, social and political policy which America intended to maintain. More than this, the establishment of a strong national government would prevent the forces of license and anarchy controlling the economic and political policies of the individual colonies.¹

For these reasons the conservative wing in the Pennsylvania legislature, supported, of course, by the English sympathizers, tried to keep the local government in the hands of the Assembly and if possible delay or defeat the movement for separation from England. Defensive war was adopted as the true American plan, and in its instructions of November 9

¹ Dickinson's position on the question of independence is given in the following extract from his speech in Congress on the proposal of 1776. [Gordon, *History of Pennsylvania*, 534 and following]: "Prudence required that they should not abandon certain for uncertain objects. . . . What is the object of these chimeras hatched in the days of discord and of war? . . . The restraining power of the king and the parliament is indispensable to protect the colonies from disunion and civil war; and the most cruel hostility which Britain could wage against them, the surest mode of compelling obedience, would be to leave them a prey to their own jealousies and animosities. For, if the dread of English Arms were removed, province would rise against province, city against city, and the weapons now assumed to combat the common enemy would turn against themselves. . . . Even when supported by the powerful hand of England, the colonists have abandoned themselves to discords, and sometimes to violence, from the paltry motives of territorial limits, and distant jurisdictions. What, then, might they not expect, when their minds were heated, ambition roused, and arms in the hands of all? . . . By changing the object of the war the union of the people would be destroyed," and if successful "they would have to dread, should the counter-poise of monarchy be removed, that the democratic power would prostrate all barriers, and involve the state in ruin." In his opinion these jealousies and rivalries could be prevented only by the establishment of a strong central government to replace that of England.

to the Congressional delegation the Assembly declared:¹
 "The Trust reposed in you is of such a nature and the modes of exercising it may be so diversified in the Course of your Deliberations, that it is scarcely possible to give you instructions respecting it. We therefore, in general, direct that you—or any four of you—meet in Congress the Delegates of the several Colonies now assembled in the City, and any such Delegates as may meet in Congress next year; that you consult together on the present critical and alarming state of public Affairs; that you exert your utmost endeavors to agree upon and recommend, such Measures as you shall judge to afford the best Prospect of obtaining Redress of American Grievances and restoring that Union and Harmony between Great Britain and the Colonies so essential to the Welfare and Happiness of both Countries.

"Though the oppressive Measures of the British Parliament and Administration have compelled us to resist their violence by Force of Arms, yet we strictly enjoin you that you in Behalf of this Colony, dissent from, and utterly reject, any Propositions, should such be made, that may cause or lead to, a Separation from our Mother Country or a Change of the Form of this Government. You are directed to make Report of your Proceedings to this House. . . . signed by Order of the House, John Morton, Speaker."

Nothing was more evident from these instructions than that the members of the Assembly believed that "this Government" and the connection with Great Britain would probably stand or fall together and that the legal authorities would advance towards revolution only under compulsion. The King, in his speech to Parliament, declared that the colonies designed by their petition "to amuse by vague expressions of attachment to the parent state, and the strongest protestations of loyalty to their king, while they were preparing for a gen-

¹ Votes, VI, 641.

eral revolt, and that their rebellious war was manifestly carried on for the purpose of establishing an independent empire." This declaration, while it undoubtedly made converts, both in England and America, to the sentiments it expressed, came very far from truly describing the attitude of the majority in the Pennsylvania Assembly. That majority eagerly desired that some path should be opened by which it could escape from its existing predicament. Congress also, if we may place confidence in Franklin,¹ up to the time of the news from England regarding its petition, would have been only too willing to have become friendly again, but by December the sentiment had changed. While affairs were at this critical juncture, while the credit as well as the sentiment of the colony was doubtful,² the Assembly, on November 25, adjourned to the following February. Again, as in the preceding spring, the reins of government dropped from its hands, and the organized committees increased their power by a constant exercise of authority.

At once the radical movement increased in violence. No sooner had the instructions of the Assembly to the Congressional delegates appeared in the press than replies were put before the people. In the Journal of November 22, "A Lover of Order," thus addressed the legislature and in his address there is shown the same threat of appeal to a higher power that has already been noticed in the petitions. "To the members of the House of the Assembly of Pennsylvania. I address you by the above title for the want of another because the line of business you *now* move in differs as much from the business of an Assembly, acting by virtue of what you call the *present Constitution* as if you professedly renounced the name. But be your title what it may I cannot help

¹ Works, V, 540, 541.

² See the Complaint of the City Committee that the Bills of Credit were not being taken by all. Votes, VI, 652, November 22.

expressing my surprise at seeing in your votes of the 9th instant *an essay for instructing the DELEGATES of this province respecting their conduct in the CONTINENTAL CONGRESS and the said instructions couched in terms amounting to a command.* When I voted at the last election for a representative in the house where you now sit, I never meant to invest any of you with such a power and I protest against your assuming it. The Delegates in Congress are not the Delegates of the *Assembly* but of the *people*—of the body at large. For convenience sake only, we *at present* consent to your *nominating* them but we may as well be without delegates if they must act solely under your influence, and thus circumstanced they can only sit there as cyphers. . . . Instruction is as sacredly the right of the people as election. It was your duty to give them all possible information but nothing further, for respecting that body of men, you are but as individuals. As I hope never to see the day when the Continent shall be without a Congress so I hope in proper season to see a Congress chosen by the people—by which means not only every colony but every part of it will be represented. As an individual I have no right to instruct, I can only convey to them my wishes, which are that the moment they enter the threshold of Congress, that they lay aside all private interest and connection and consider themselves not acting *PROVINCIAL*LY but *CONTINENTAL*LY. That as men they will disregard all undue influence, that as fathers they will think for posterity and with those wishes I leave them to God and to their own Consciences.”

Upon this a writer in the Ledger of November 25 attempted to defend the instructions, urging over the signature of “Associator” that there was great danger of independence being declared by the Congress unless adequate precautions were taken. To this, in turn “Independent Whig” replied¹ as follows :

¹ Journal, November 29.

"The Honorable House as well as Associator seem desperately afraid of independency. I would not condemn such fears but . . . I see no way to avoid it . . . except by our absolute submission. . . . I am for independency until she (Great Britain) offers us better terms than slavery or grape shot. We have no better yet nor are we likely to have till it is out of her power to prevent us having what we please." A week later,¹ "Lover of Order," under the guise of "A Continental Farmer," declared that the framer of those resolutions of instructions was no patriot, but was more likely trying to win the favor of Great Britain. "Beware of the Galloway rock, young soldier." Not only had the Assembly, in his opinion, no right to instruct the delegates, but it was very inexpedient to do so, for the immediate future was hard to forecast. Enthusiasm was indeed being aroused to a high pitch within the city.²

¹ Journal, December 6.

² On July 23, 1775, Dr. Benjamin Church wrote to Major Kane at Boston, "A view to independence appears to be more and more general. Should Great Britain declare war against the colonies they would be lost forever. . . . For God's sake prevent it by a speedy accommodation." "The people of Connecticut are raving in the cause of liberty. . . . The Jerseys are not a whit behind Connecticut in zeal. The Philadelphians exceed them both" [Force: American Archives, Fourth Series, 2, 1714]. See also the letter to the Committee of Correspondence of Philadelphia, March 28, 1775 [Force, IV, 2, 238], which declared that the radicals, as early as that date were controlling the Colony of Pennsylvania. "Have not the loyal friends in your and the adjacent provinces published their dissent from the mad independent resolves of your republican Congress, and all your illegal and unwarrantable combinations?" Antoninus in the Journal [October 15, 1775], ridiculed the idea that separation from England meant subjection to the tyranny of another State. He ridiculed also the assertion that independence meant the cutting of each other's throats or "a combination between Massachusetts Presbyterians and Virginia Churchmen to persecute, if not exterminate the poor Quakers, Anabaptists and all other persuasions." Taking up the result of the last war he said: "What have the common people either in Britain or America had in return for their so freely lavished blood and treasures. . . . New taxes." The net result of it all "is a dependence upon the King's will. . . . To talk of our breaking any compact or constitution with the parent state—aiming at

On November 29 Jefferson wrote to Randolph: "There is not in the British Empire a man who more cordially loves a union with Great Britain than I do. But by the God that made me I will cease to exist before I yield to a connection on such terms as the British Parliament proposes and in this I think I speak the sentiments of America." Nine days later Franklin wrote that independence was probable and that the whole continent was firmly united against Great Britain and in behalf of liberty.¹ Before this time it had been urged that it was only England's harsh treatment that justified the colonial demand for the natural rights of Americans. A more advanced tone was now taken. Pamphlets like Burgh's *Political Disquisitions* were published, and the press, as requested, made copious extracts from them. "For my part," declared the author of one such tract, "I can not see the use of all this hesitating and mincing matters. Why may we not say at once without any urgency of distress, without any provocation by oppression of government, and though the safety of the whole should not appear to be in any immediate danger, if the people of the country think they

independence or revolting and setting up for ourselves thereby incurring the imputation of rebellious and wicked children is just as fair and pertinent as to accuse a son who had taken a wife and plantation for himself and when he had by his own labor, subdued the soil, and was enjoying from it a comfortable subsistence, of ingratitude—or want of filial duty if he refused to admit of his father's absolute direction of all his affairs. . . . In every civilized community one would expect to find a time when men ought to be esteemed of age to determine and act for themselves." Respecting the ancient constitutional mode of government by King, Lords and Commons in the kingdom of Great Britain he argued: "Why the young agrarian states where no such being as a Lord exists should have any regard to a set of prerogatives which a number of petty tyrants usurped and by force of arms confirmed to themselves, I have not hitherto had penetration to discover. If a republican government as it was managed in England, where, by the way it never did in our knowledge exist, failed to give peace and security then it has been more fortunate in Holland. And doubtless the fitness or inadequacy of peculiar forms of government are ever relative to the circumstances of the people for whom they are designed."

¹ Works, V, 543.

should be in any respect happier under republican government than under monarchial, or under monarchical than under republican, and find that they can bring about a change of government without greater inconveniences than the future advantages are likely to balance, why may we not say that they have a sovereign absolute and uncontrollable right to change or new model their government as they please? The authority of a government is only superior to that of a minority of people, the majority are rightfully superior to it"¹ Essays were also published "wherein the lawfulness of Revolutions are Demonstrated in a Chain of Consequences from the Fundamental Principles of Society." The Continental Congress, so a "Jersey Farmer" argued in the Journal, had the same duty to perform as had the barons of Magna Charta.²

Above all of it was felt that the time had come when vigorous action on the part of the colony was necessary, and that

¹ Burgh's Political Disquisitions, Bell, Philadelphia, 1775.

² Two stanzas of Freneau illustrate the bold justification of the American cause which was preached and the consequences which must follow the defeat of the cause:

"If to control the cunning of a knave,
Freedom adore, and scorn the name of slave.
If to protect against a tyrant's laws,
And arm for vengeance in a righteous cause,
Be deemed rebellion—'tis a harmless thing,
This bug-bear name, like death, has lost its sting."

"If Britain conquers, help us, Heaven, to fly!
Lend me your wings, ye ravens of the sky.
If Britain conquers,—we exist no more:
These lands shall redden with their children's gore,
Who turned to slaves, their fruitless toils shall moan—
Toil in these fields that once they call their own!"

The Poems of Philip Freneau, p. 75.

Here is expressed no desire for constitutional resistance but a determination to fight the trouble out to the bitter end. The press had numerous contributions which showed the same spirit, and which may be taken as a good illustration of the confidence which filled the hearts of Whigs as the first actions of the war resulted in victories for the Americans.

such Assemblies as had been sitting in Philadelphia were not capable of sturdy independent action. Petitions for more equitable representation of which we have spoken were reinforced by appeals like the following : In electing members for the new house "reject all timorous fearful and dastardly spirits, men who having good principles either dare not own them or dare not act according to them. . . . Cast off the trammels and fetters by which some of you have been bound by a spirit of party. . . . Now my countrymen is the time to help yourselves ! . . . Now act honestly and boldly for liberty or forget the glorious and charming sound !"¹ The union that was felt to exist between local and national grievances is shown by this writer's concluding words : "Seize the present opportunity of redressing our provincial grievances and let us now repair the faults which time and experience have discovered in our constitution in such a manner that it may be transmitted safely to the latest posterity." This was the spirit in which Pennsylvania entered upon the last year of her colonial experience.

¹ Journal, September 15.

CHAPTER XIII.

THE FALL OF THE QUAKER GOVERNMENT.

AUTHORITIES.

During the latter portion of 1775 and throughout the succeeding year the revolution in Pennsylvania became thoroughly identified with the broader national movement. The fact that the Continental Congress held its sessions in Philadelphia and that the leaders of the national sentiment were eager to win the populous and wealthy State of Pennsylvania to the side of independence, makes the general literature of the revolution useful in understanding the course of local events. Among such sources may be mentioned the Journals of the Continental Congress and the Madison Papers, the Works of John Adams, Jefferson and Franklin, and the selection from the writings of Samuel Adams and Gerry found in the lives of those statesmen by Wells and Austin. The several collections of tracts such as those found in Almon's Remembrancer do not need to be mentioned. Of the newspapers of Philadelphia, the Gazette, Packet and Evening Post, are probably the best illustrators of the moderate and radical sentiment. The Ledger was much more conservative in its tone, and in November, 1776, this paper was forced to suspend publication.

Excellent secondary accounts of this period are given by Thomas F. Gordon in his History of Pennsylvania, by President Sharpless in his volume entitled The Quakers in the Revolution, and by Westcott in his History of Philadelphia. The attitude of Dickinson throughout the years 1775-76 is carefully treated by Stillé, but the author's admiration for the subject of his biography causes him to place the attitude of the Quaker statesman in the most favorable light possible and some students may not agree with all the views expressed by the biographer. It is unnecessary to do more than to refer to the various magazine articles on this period. No student can afford to neglect the work which has been done in Pennsylvania history, especially the articles published in the Pennsylvania Magazine of History and Biography.

In 1776 the revolutionary movement in Pennsylvania reached its climax and under a new government the colony declared in favor of American independence. The foundations of the new provincial organization were political equality and "the inalienable rights of humanity." To no colony did the declaration of independence appeal more forcibly than to Pennsylvania, and no people were more determined to make its

precepts their rule of action than the advocates of a new régime within that State. From the earliest settlement race and religion had prevented union between the east and the west. By a policy of neglect and indifference to their economic interests, the Quaker party controlling the Assembly had alienated the Germans and Irish of the Susquehanna Valley and added financial and social discontent to the racial and religious differences, which for a half century had threatened to disrupt the colony. During the same period dissatisfaction had been aroused in the city of Philadelphia and a party formed which supported the west in its antagonism to the constitutional legislature.

These deep-lying dissensions explain the fall of the colonial government at the time of the assertion of national independence. Without them the course of the revolution in Pennsylvania would have differed but little from that followed in Massachusetts or Maryland. There was the same growth of public sentiment against England in Pennsylvania that was found elsewhere, and had the Assembly been a truly representative body with a united people behind it there was no reason why it should not have responded to that growth. The elections of 1775 came while the people were still aroused over the struggles of the previous spring and had popular sentiment been able to find its way into the Assembly the composition of that body would have corresponded more nearly to that of other colonial legislatures, although Quaker conservatism would undoubtedly have made itself felt in the Eastern Counties. The suffrage qualifications within the municipality kept Philadelphia under the control of the conservative, well-to-do classes, and when the elections in April, 1776, convinced the masses of the people that no change of policy could be expected from the legal officials of either city or colony recourse was taken to the committees. It is idle, however, to assert that the city mob, even when supported by

the passive acquiescence of the Continental Congress, could have overthrown the established government of the colony had that government been popular throughout the west or had a peaceable reversal of legislative policy been obtainable through the ballot box. It was because a large part of the city had no other way of asserting its principles that it resorted to force.¹

For the use of force the Assembly had furnished a pretext. In the past it had been advised, or more accurately, threatened, by extra constitutional bodies like the conventions, the town meetings and the Associators, and it had consented to follow their guidance. It needed only a continuance of the popular excitement and an attempt at resistance by the Assembly to precipitate the final conflict. The first essential was furnished by Paine's *Common Sense* and the *Quaker Testimony*; the second was the declaration by the Assembly that it would not rescind its instructions against independence.²

The importance of "*Common Sense* for eighteen pence" can hardly be overestimated.³ First of all it removed the discussion from the plane of constitutional argument, where compara-

¹ See the article in the *Post* April 27: "A poor man has rarely the honor of speaking to a gentleman on any terms, and never with familiarity but for a few weeks before election. . . . Blessed state which brings all so nearly on a level." Extension of the suffrage and frequent elections were therefore considered as guarantees of equality. "Be free men and you will be companions for gentlemen annually," but to be a freeman in the full meaning of that term was no easy matter in Philadelphia.

² From November 7, 1775, until June, 1776, the Assembly, although repeatedly petitioned, refused to change its attitude on this point. On April 6, a vote to that effect was passed.

³ One or two quotations may give a definite idea of the influence exerted by this pamphlet. A letter from Maryland in the *Evening Post* of February 13 said: "If you know the author of *Common Sense* tell him he has done wonders and worked miracles, made Tories, Whigs, and washed Blackamores white. He has made a great number of converts here. His stile is plain and nervous, his facts are true, his reasoning just and conclusive. . . . Send me two dozen of the second edition. Since the King's speech and the addresses of both Houses, I look upon the separation as taken place."

tively few understood the American position, to the plane controlled by mother wit, where almost everyone could figure as an intellectual giant. The effect of Paine's effort may be judged either from the words of Franklin, who was friendly to the cause of independence: "Tom Paine's *Common Sense* made a great impression in Pennsylvania,"¹ or from those of an opponent, who called it "one of the most artful, insidious and pernicious pamphlets I have ever met with."² Yet the importance of the pamphlet is overestimated if it be regarded as the cause of the uprising which followed. As the Stamp Act in 1765 made all Americans recognize that money would actually be taken from their pockets, so *Common Sense* gave to a crowd of discontented and clamorous people a direct statement of the object for which they were fighting. "It is addressed to the passions of the populace at a time when their passions are much inflamed," remarked the anonymous writer above quoted, but unless the people had been ready to receive it, the call thus issued would have had little

A letter from Philadelphia in Almon's *Remembrancer* [II, 31] declares that "Common Sense is read to all ranks; and so many as read, so many become converted though perhaps the hour before they were most violent against the least idea of Independence" [March 12, 1776].

Thomas F. Gordon, in his *History of Pennsylvania* [p. 539], says of Paine's *Common Sense*: "This author addressed the people in a style adapted to all capacities: he excited the enmity of the religious against a kingly government, by quotations from the Old Testament, animated the proud and the ambitious, by contrasting the narrow island of Great Britain and her present power with the broad Continent of America and its future greatness; and satisfied all, by the most specious arguments of the advantages and practicability of independence."

William Gordon, in his *History of the American Revolution* [II, 92], in the same manner remarks that no publication so greatly promoted the spirit of independence. "In unison with the sentiments and feelings of the people, it has produced the most astonishing effects and been received with vast applause, read by almost every American. . . . It has satisfied multitudes that it is their true interest immediately to cut the Gordian knot by which the American colonies have been bound to Great Britain."

¹ Franklin to Lee, Works, VI, 4, February 19, 1776.

² *The True Interest of America*, etc., printed and sold by James Humphreys.

effect. Paine's ability lay in the fact that he could see which way public opinion was tending and could put himself at its head in a striking and brilliant manner.

There were, of course, many who tried to offset this pamphlet. "Candidus," "Cato," "An American," "Rationalis," and other writers appeared in the press and in broadsides to oppose the tide which at once began to set strongly toward personal equality and colonial independence. "The scheme of independence is ruinous, delusive and impracticable," said "Candidus," in his pamphlet entitled *Plain Truth*.¹ "Were the author's assertions respecting the power of America as real as nugatory, Reconciliation on Liberal Principles with Great Britain would be exalted policy, and circumstanced as we are, Permanent Liberty and True Happiness can only be obtained by reconciliation with that Kingdom." But in the face of the rising tide in Paine's favor such replies were powerless. More and more generally it was realized that the early policy of non-resistance advocated by the extreme conservatives was the only alternative to a frank avowal of independence. The arguments in favor of petitions sank yet more deeply in popular disfavor as successive appeals to the British government were disregarded and the illogical position of men like Dickinson, who proposed peace and meanwhile acted war, was generally recognized. In such pamphlets as *The Progress of an American Creed* for obtaining a redress of grievances and bringing about a reconciliation with Great Britain, it was plainly hinted that such an irresolute and double attitude

¹ Various names have been given as that of the author styling himself *Candidus*, among others Allen, Galloway and William Smith, but there is no certainty in any case. The quotation in the text is from the full subject of the pamphlet, which, it may be added, was its ablest portion.

The most effective writer against Paine was "An American," said to have been Charles Inglis, an Episcopalian preacher in New York. His pamphlet, *The True Interest of America Impartially Stated in Certain Strictures on a Pamphlet entitled Common Sense*, seems to have been printed in at least three editions—two of them in Philadelphia.

could lead only to submission to English demands. Nothing could have occurred to strengthen this opinion more effectively than the Quaker action.

Common Sense had appeared on January 9, 1776, and was well on its way to a circulation of a hundred thousand copies,¹ when, on January 20, appeared an Address of the Quaker Convention, not only to men of their own sect, but "To the People in General," enjoining "a continuance of mutual peaceable endeavours for effecting a reconciliation with England."²

It declared that "The benefits, advantages and favors we have experienced by our dependence on, and connection with the King, and the Government under which we have enjoyed this happy state appear to demand from us the greatest circumspection, care and constant endeavors to guard against every attempt to alter or subvert that dependence and connection."

"The setting up and putting down Kings and Government is God's peculiar prerogative, for causes best known to himself

¹ Duycknick : *Cyclopedia*, I, 198. *Evening Post*, January 9, 1776.

The Advertisement of *Common Sense* was as follows :

"This day was published and is now selling by Robert Bull in Third St (price two shillings) *Common Sense* addressed to the inhabitants of America on the following interesting subjects

I Of the Origin and Design of Government in general with concise remarks on the English Constitution.
 II Of Monarchy and Hereditary Succession.
 III Thoughts on the present state of American Affairs.
 IV Of the present ability of America with some miscellaneous Reflections.

"Man knows no master save Creating Heaven

Or those whom Choice and common Good ordain."

On January 25, a German edition was advertised as in the press and one month later (February 19), seven editions were advertised as published, price one shilling.

² The full title of this "Testimony" issued by the Congress of Pennsylvania and New Jersey was *The Ancient Testimony and Principles of the People called Quakers renewed, with respect to the King and Government ; and touching the Conventions now prevailing in these and other Parts of America ; addressed to the People in General.*

and it is not our business to have any hand or contrivance therein." . . .

"May we therefore, finally unite in the abhorrence of all such writings and measures as evidence a desire and design to break off the happy connection we have hitherto enjoyed with the kingdom of Great Britain and our just and necessary subordination to the King and those who are lawfully placed in authority under him."

This address of the Quakers cleared the field of compromises, and the question at issue became to the common mind, independence or the kind of British and provincial control which had been experienced in recent years. In a supplement to Common Sense "Demophilus" thus characterized the moderate party :

"Many profess themselves zealous for the liberties of America, yet declare an abhorrence of the idea of independency on Great Britain. If this be not a solecism as absurd and irreconcilable as ever was obtruded on mankind, I know not the meaning of the term! *Civil Liberty* never was defined in stricter terms than *an EXEMPTION from all control WITHOUT THE COMMUNITY, in which every qualified member has an equal voice.*" Direct replies to the Quaker testimony were numerous. One such addressed "To the Representatives of the Religious Society of the People called Quakers or to so many of them as were concerned in publishing a late piece entitled 'The Ancient Testimony'" was published by Bell. The writer disclaimed all intention of attacking the Quaker religion. That is a matter for which they are accountable to God alone. "This epistle," he declared, "is directed to you as a political body, dabbling in matters which the professed Quietude of your Principles instruct you not to meddle with. . . . The love and desire of peace is not confined to Quakerism, it is the natural, as well as the religious wish of all denominations of men. . . . Our plan is peace for-

ever. We are tired of contention with Britain, and can see no real end to it but a final separation. We act consistently, because for the sake of introducing an endless and uninterrupted peace, we bear the evils and burthens of the present day. Beneath the shade of our own vines are we attacked, in our own homes and on our own lands is the violence committed against us. . . . We are obliged to apply the sword where you have before now applied the halter. Oh ye partial ministers of your own acknowledged principles. If the bearing arms be sinful the first going to war must be more so by all the difference between wilful attack and unavoidable defence. . . . Had ye the honest soul of Barclay¹ ye would preach repentance to your king; ye would warn him of eternal ruin, ye would not spend your partial invectives against the injured and insulted only, but like faithful ministers would cry aloud and *spare* none. Say not that ye are persecuted, neither endeavor to make us the authors of that reproach which ye are bringing upon yourselves; for we testify unto all men that we do not complain against you because ye are *Quakers*, but because ye *pretend* to be and are not *Quakers*. Ye have said in your testimony 'it is not our business to have any hand or contrivance in the setting up and putting down kings and governments. This is God's peculiar prerogative but that we may live a peaceable and quiet life in all godliness and honesty under the government which God is pleased to set over us.' If these are really your principles, why do you not abide by them? Why do you not leave that which ye call God's work to be managed by himself? . . . If the setting up and putting down of Governments is God's peculiar prerogative he most certainly will not be robbed thereof by us. Wherefore the principle itself leads you to approve of everything which ever happened or may happen to kings as being his

¹ Here the author quotes Barclay's address to Charles II.

work. . . . As ye refuse to be the means [of God's work] on one side, ye ought not to be meddlers on the other ; but to wait the issue in silence." Then quoting the testimony advising people to unite in abhorring all writing and measures against the lawful king, he continues : "What a slap of the face is here! The men who have quietly and passively resigned up the ordering, altering, and disposal of kings and governments into the hands of God are now recalling their principles and putting in for a share of the business. . . . Sincerely wishing that the example which ye have unwisely set of mingling religion with politics may be disavowed and reprobated by every inhabitant of America I leave you."

By the time that Paine had succeeded in arousing the plain people against England and had increased the resolution of their leaders, the westerners, as has been seen, had become familiar with the idea of equal representation in the legislature by means of the convention system in New Jersey, Maryland and their own State, and had recognized how easily in this manner they could obtain control of the colony. Their grievances against the Assembly and their common indignation against the so-called Quaker allies of England served to coalesce the eastern radicals and western frontiersmen.

In February the Philadelphia City Committee determined to force the hand of the conservatives by calling a new convention (in which, votes being by counties, the radicals would be in a majority) to control the colony as had the previous ones.¹ It had been determined that this convention should meet on April 2, but on March 4 a letter was issued to the several county committees in which the Philadelphians, after stating some of their grievances,² declared their reasons for

¹ Marshall's Diary, February 28-9, p. 61.

² "As the opposition given to the present measures arises chiefly from the members representing three interior counties who constitute a majority of the House, though two of them are inferior to several other of the counties which have not half their number of members, the proceedings of the Assembly might more

postponing the assembling of such a body. We have to inform you, said this letter, "that having passed the vote for holding a convention the Committee had the pleasure of a conference with several members of the House. And they found with great satisfaction that those gentlemen indulged themselves in the hopes that a full and equal representation would be obtained in consequence of petitions now before the Honorable House from several of the counties and that the

properly be said to be the proceedings of those three counties than of the province in general; to concert means therefore of effecting a more full and equal representation, the Committee thought an object worthy your immediate attention; conducive to the strength and dignity of the House of Assembly; and essentially necessary to the safety of this province in particular, and the united Colonies in general."

"As the present unequal representation is the ground of every other complaint the Committee had this principally in view. There are others which are attended with immediate danger; and we thought required remedy. To name them will be sufficient. Our military Association labors under the imperfections and injustice of the 'Rules and Articles,' though almost a year has been employed in forming and connecting them.

"The providing of Arms, &c. has been first intrusted and since continued, notwithstanding remonstrances, to persons who have in some instances so far neglected their duty as that they have it yet almost to begin.

"The military measures of the province are under the direction of a Committee of Safety, *many of the members not having the authority of the people*; notwithstanding a power of so great importance ought not to be intrusted to others than *their immediate representatives*."

"The appointment of gentlemen as Delegates from this province in Congress, who are not of the Assembly, and the instructions given to them, by which they are bound to disclose every, even military movement, and are prevented from the free exercise of their judgments as the necessities of the time may require, appear unsafe as well as dishonorable, to have a direct tendency to countenance the illiberal insinuations of our enemy, to create jealousies and divisions among ourselves, and to mislead the neighboring colonies into a false opinion of the sense of this province." Your Committee also wished to "confer with you on the means of giving the aid of the back counties to the exposed parts of this province on the navigable waters should they be actually invaded and their trade suspended agreeable to your virtuous resolution at the late convention. These being provided for we doubt not the province would sustain its part in the present unhappy yet noble contest with dignity to itself and safety to the whole" [Evening Post, March 9, 1776].

other matters (mentioned in the grievances) would be attended to." From this it is clear that equality was the real desire of the radicals and that the moderates wished above all things to prevent the reassembling of the convention, for it was felt that under the present excitement such a body as the convention sitting in Philadelphia, would become the nominal as well as the real government. Already the Assembly had been attacked as unrepresentative and unauthorized to speak for the colony. In Common Sense Paine had declared :

"A small number of electors or a small number of representatives are equally dangerous, but if the number of representatives be not only small but unequal, the danger is increased. . . . The unwarrantable stretch which the House made in their last sitting to gain an undue authority over the delegates of that province (Pennsylvania) ought to warn the people at large how they trust power out of their own hands. A set of instructions for the delegates were put together, which in point of sense and business would have dishonored a school-boy, and after being approved by a *few*, a *very few*, without doors, were carried in the house and there passed in behalf of the whole colony : whereas did the whole colony know with what ill will that house hath entered on some necessary public measures, they would not hesitate a moment to think them unworthy of such a trust." Now speaking as "Forester," he declared in reply to Provost Smith that the Committees were the true representatives of the colony.¹ "Cato and I differ materially in our opinion of Committees ; I consider them as the only Constitutional bodies at present in this province. . . . They are duly elected by the people and faithfully do the service for which they were elected. The House of Assembly do business for which they were not elected. Their authority is unconstitutional, being self created."

¹ Packet, April 22.

Other writers made indirect attacks on the Assembly. Fault should not be found with the legislature, said one of the critics signing himself "Apologist,"¹ for it has done all that could be expected of such a body. Members of the Assembly are conscientious men, they have taken a strict oath to King George, and the community has no right to expect that they will support resistance any more than they are compelled to do. Although the compact between the king and colony has been broken by the former, and hence the latter has been released from its allegiance, yet conscientious men do not easily realize this. What is needed, if new conditions are to be adequately met, is a convention. It "would act more to the minds of the people," simply because it would not be bound by oath to Great Britain. Instead of finding fault, the City Committee should therefore call a convention "to take the load off of the shoulders of the Assembly." Indeed this writer urged that the Assembly itself would summon such a body were its members not so scrupulous regarding their oaths.

In the *Post* of March 5, "Censor" attacked the Assembly more openly if not more effectively. Since 1774, he maintained, the Assembly, by not obeying in every detail the Convention of that year and by instructing the Delegates to Congress, had usurped the true right of the people. "I hold it as a firm principle in my politics that the power of legislation can only be conferred by the society at large and that the freemen never intrust their representatives with the right of transferring it. I also hold it equally firm that the right of instructing lies with the constituents and them only, that the representatives are bound to regard them as the dictates of their masters and are not left at liberty to comply with them or reject them as they may think proper. In the summer of 1774 Committees were fairly chosen throughout the province

¹ *Evening Post*, February 29, 1776.

and directed by their constituents to meet in convention and there fix upon a mode to have the province fairly and fully represented in Congress. They met accordingly, and finally agreed that three out of their own body and four out of the Assembly should be Delegates. They further agreed to leave the final nomination of the whole to the House, little suspecting that the House would ever set up claims inconsistent with the desires of their constituents . . . but the Assembly not only rejected the three recommended by the convention, but refused to admit the members of the convention to hear their debates on the occasion and publicly declared that the request of their constituents was inconsistent with their privileges. . . . This principle, then avowed and since acted upon, is, in my opinion, more destructive of liberty *than any claim of Great Britain*, for if representatives chosen by ourselves and clothed with our authority are in consequence to hold rights inconsistent with ours, farewell to liberty! They refused to nominate the men of our choice because they were our choice, for the very next year when we ceased to hold them out as our choice they nominated them." "Since then," he continued, "they have chosen men as Delegates and as a Committee of Safety whom the people would never have admitted into the Committee of Inspection. . . . If my memory serves me . . . on the 18th of June, 1774, was pointed out to the freemen of this city in the clearest and strongest terms the danger of committing the choice of Delegates to the Assembly. But the eloquence of another prevailed, and to *please one man* we relinquished a right which will never be exercised to our advantage till we resume it. Our Assembly has as good a right to elect a King for us as to appoint one man to represent us in Congress or in the Committee of Safety. . . . I will boldly affirm that they cannot retain that privilege but at the expense of our liberties."

The force which had been rallied against the Assembly and

the dissatisfaction of the whole community with its action was evident from the storm of petitions which beat against it from its gathering in February till the meeting of the new convention. The system of taxation must be amended so that it would not bear harshly upon the Associators; the rules of the Association must be changed so that volunteers would be attracted, and no person should be exempt from service merely because he was fifty years of age. A large part of the property of the community was in the hands of persons above that age and if they were exempt from service or compensation the Assembly would not be doing its duty by its constituents.

In the matter of representation, two requests were made which, if granted, would have practically done away with the necessity for a new constitution. The suffrage was claimed for all Associators without regard to property qualifications and equitable apportionment of representatives among the several counties was demanded. As in the case of the agitation against non-combatant bodies, the Assembly tried to satisfy these demands by compromise, choosing a method which would not decrease its appearance of conservatism while it seemed to respond to the demands of equity. On March 8 a committee was chosen, of which Dickinson was chairman, and, in accordance with its recommendation, a measure was passed¹ providing for seventeen additional assemblymen, four of whom were assigned to the city of Philadelphia. No change was made in the suffrage qualifications, so that the non-voting element in the city remained dissatisfied, especially as the preamble of the act recited that "it is essential to the good government of every free state that all its component parts should have a just and adequate share in the legislature." In spite of their inability to obtain voting strength from this section of the people, the Whigs made a close fight in the city, electing one of the four new assemblymen. Marshall

¹ March 14, Votes, VI, 692.

described the election as "one of the sharpest contests, yet peaceable, that there has been for a number of years," but he complained that some of the Dutch were kept from voting. He did not hesitate to show the activity of the Quakers in the contest, an activity which he considered as decidedly inconsistent with the professions of the Testimony. "I think it may be said with propriety that the Quakers, Papists, Church, Allen family, with all the proprietary party, were never so happily united as at this election, notwithstanding Friends' former protestation and declaration of never joining with that party since the club or knock-down election. Oh! tell it not in Gath nor publish it in the streets of Askalon how the testimony is trampled upon."¹

In the west the Whig candidates had been generally successful and Paine ascribed the party defeat in Philadelphia to the absence of Whig voters engaged in the defence of their country.² Whatever may have been the cause, the election demonstrated that an alliance between the frontiersmen and the radical party in the east was necessary to secure control of the colony and that this alliance must include the non-voters. Common jealousies, prevalent throughout the two sections, made such an alliance possible, and if authority could be obtained for a demonstration of power, the provincial con-

¹ The vote within the city for the moderate ticket was: Howell, 941; Allen, 923; Wilcocks, 921; Willing, 911. For the radical ticket, Clymer, 923; Kuhl, 904; Owen Biddle, 903; Roberdeau, 890. As may be seen from the names, there were no extreme conservatives nominated, lest they should cause the defeat of the ticket. Three of the radical nominees sat in the later convention and the fourth, Roberdeau, was an officer in the militia.

Throughout the west, where the suffrage requirements were more favorable, the strength of the Whig ticket showed the prevalent feeling. Of the thirteen members elected from the western counties, eight sat in the convention of July, and so far as I have ascertained, but one of the whole number opposed the movement for a new constitution. Even had the entire western vote favored the radical party, the conservatives, by electing three members from Philadelphia, would have retained a majority in the Assembly. See Marshall's Diary, May 1, 1776.

² "Forester," *Pennsylvania Journal*, May 8.

vention of Maryland, which had really controlled that colony for two years and in which all sections were fairly treated, could be imitated. Already Congress had advised several colonies regarding their frames of government and the grant made by the provincial convention of 1775 to the City Committee of Philadelphia furnished a means of summoning a new Assembly in Pennsylvania. The radicals therefore determined to place Congress in the position formerly occupied by the king and to obtain its aid in creating a new government, based on the principles of popular sovereignty and county equality.

With this radical view the extremists in the national legislature were in entire accord. Indeed it was felt that unless Congress had the general power of direction and was supported loyally by the state governments, successful resistance to England would be impossible. "I was very solicitous last fall to have government set up by the people in every colony. When this is done—and I am inclined to think it will be soon—the colonies will feel their independence, the way will be prepared for a confederation; and one government may be prepared with the consent of the whole—a distinct state composed of all the colonies with a common legislature for great and general purposes."¹ In the *Evening Post* [March 5] proposals for a confederation of the united colonies were published, and in every way it was urged that the Americans had already placed themselves in the category of rebels whom nothing but success—possible only through union—would save. Wiser men desired the harmonious co-operation of the colonies, and especially Pennsylvania, in the movement for independence, and feared a loss of power in case too radical measures were forced upon the moderate leaders. Preferring support from existing Assemblies, John Adams, on May 6, moved in Congress "that it be recommended to the several assemblies and conventions of these united Colonies who have

¹ Samuel Adams, April 30, 1776. Wells, II, 395.

limited the power of their delegates in this Congress by any express instructions, that they repeal or suspend those instructions for a certain time, that this Congress may have power, without any unnecessary obstruction or embarrassment, to concert, direct and order such further measures as may seem to them necessary for the defence and preservation, support and establishment of right and liberty in these colonies."

This resolution was earnestly debated but was finally defeated. It was felt that the maintenance of independence rested rather upon a change of heart among the people and the erection of vigorous governments among them, than upon any mere alteration of votes cast by the delegates assembled in Philadelphia.¹ Either by the election of new and representative Assemblies or by a direct vote, Congress had to secure a distinct opinion from the people on the question of independence. It was of little use to secure a change of vote from the Pennsylvania delegates unless it was accompanied by a change of heart among the colonial leaders.²

However it might have been in other colonies, in Pennsylvania the existing constitution and Assembly were greatly in disfavor with the forces on which independence depended and the Whig party in Congress was obliged to agree to radical measures if it would accomplish the national results which it desired. In the previous year Adams had declared that any form of government was better than none, even if all power was placed in the hands of a single house,³ and to the forma-

¹ Madison Papers, I, 10-12.

² A means of settling the question had already been proposed by a writer in the *Evening Post* of March 9. "Congress is too busy," said he, "either to dissolve or to take a recess in order that the opinion of its constituents may be asked on the question of independence. Would it not be proper for the constituents to declare their sentiments on this head as soon as possible? . . . This may be done by the various Committees and Conventions on the continent—and only by them. . . . The sooner they are convened for that purpose the better."

³ J. Adams, *Works*, III, 17.

tion of such a government in Pennsylvania he at length gave his aid.

The May elections had shown that the western portion of the State was ready to go ahead and the Whig members of Congress had great faith in the directing power of men like Franklin, Clymer and McKean in the east. The first resolution presented to the national house by Adams showed that the advocates of independence would have welcomed an alliance with the moderate party in Pennsylvania had it been obtainable; but this alliance was impossible. Even had the conservative Assembly reluctantly sanctioned the position toward which Congress was hastening, no statesman could help seeing that the elements in Pennsylvania on which the cause depended were not and would not be content with Quaker leadership. Harmony in the colony could not be expected under the old leadership while the war lasted or the charter continued unamended and the conflicts of the twenty years preceding 1776 have shown us why. Uninterrupted victories by the American arms could not be relied upon and with defeat the conservatives of the Assembly would incline to accept such terms of surrender as England might offer. This action must be prevented at any cost for the defection of Pennsylvania was thought to mean the triumph of Great Britain.

The result of these feelings was the second motion of Adams on May 15. After mentioning the failure of petitions, the exemption of the colonies from royal protection, the use of mercenaries, etc., this motion continued: "*Whereas*, it appears absolutely irreconcilable to reason and good conscience for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the Crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said Crown should be totally suppressed and all the power

of government exerted under the authority of the people of the colonies, for the preservation of internal peace, virtue and good order, as well as for the defence of their lives, liberty and property against the hostile invasion and cruel depredations of their enemies; therefore,

"Resolved, That it be recommended to the respective Assemblies and Conventions of the United Colonies, where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such government as shall in the opinions of the representatives of the people best conduce to the happiness and safety of their Constituents in particular and America in general."¹

This motion made provision for an appeal to the people which the first had not and was adopted by a vote of seven colonies to four. It invited the people to disregard the colonial governments. So Dickinson, in 1774, had advised the people of Quebec, disregarding their existing government, to "meet together in your several towns and districts, and elect deputies, who, after meeting in a provincial Congress, may choose delegates to represent your province in the Continental Congress." The resolution was at once published and the struggle was transferred from Congress to colony. Here the outcome seemed doubtful. Disregarding extremists like Pemberton or Roberdeau, both parties had able leaders. Dickinson, James Wilson and Robert Morris still argued for the retention of the colonial charter and the formation of a new national government before abandoning the English connection.² On the other side were Franklin, Rush and McKean, whose high character, in the words of a nineteenth century opponent of the radical movement, alone prevented their cause falling into discredit.³ The moderates were weaker

¹ Journals of Congress, May 15, 1776.

² John Adams, Works, II, 491.

³ Stillé: Dickinson, 184.

than they seemed. It was idle to assert that the constitution could be changed only by the votes of six-sevenths of the Assembly (the charter provision) when that body had repeatedly violated the constitution by a mere majority vote. It was useless for Dickinson to urge reconciliation when in Congress, according to his own statement, "after the rejection of the last petition to the King not a syllable, to my recollection, was ever uttered in favor of reconciliation with Great Britain."¹ And it was worse than useless to urge upon the people of Pennsylvania the guidance of an Assembly which a large part of the colony disliked and from which reforms had been obtained only by threats.²

It might be argued that changes in the charter could be secured by a vote of six-sevenths of the Assembly,³ but what probability of such action existed while the present suffrage requirements continued? An aristocracy was in power now, and this aristocracy was one of the chief objects of attack. "Do not mechanicks and farmers constitute 99 out of 100 of the people of America? If these by their occupations are to be excluded from having any share in the choice of their rulers or forms of government would it not be best to acknowledge at once the jurisdiction of the British Parliament, which is composed entirely of GENTLEMEN! Is not one-half of the Property in the City of Philadelphia owned by men who wear Leather Aprons? Does not the other half

¹ Stillé, p. 192.

² On the refusal of the Assembly in April (6th) to rescind its instructions to the colonial delegates in Congress, Elbridge Gerry wrote to James Warren: "In this colony the spirit of the people is great, if a judgment is to be formed by appearances. They are well convinced of the injury their Assembly has done to the Continent by their instructions to their delegates."

"Our moderate gentlemen are coming over to us. . . . It appears to me that the eyes of every unbeliever are now open; that all are sensible of the perfidy of Great Britain and are convinced there is no medium between unqualified submission and actual independency" [Austin's Gerry, I, 179].

³ "Cato" in Gazette of March 13; "Civis" in Gazette of May 1.

belong to men whose fathers or grandfathers wore Leather Aprons?"¹ Indeed, it was argued that the Assembly by increasing the number of its members had recognized the principle of true representation, while it had not carried that principle to its logical conclusion.² The reason a change was opposed was that under the new régime "power and influence would have to be derived from the confidence of the people."³

In one of two ways the Assembly might have retained its power, by an alliance with Congress or by putting itself unreservedly on the side of the masses in the colony. By doing neither it excited suspicions among all parties and compelled an alliance which one at least, of its opponents did not desire. On the same day⁴ that the resolution of Adams recommending the adoption of new governments by the colonies was adopted by Congress an attack on the Pennsylvania Constitution appeared in the Gazette, which hitherto had maintained a more moderate attitude. It was signed by "An Elector," and asserted that there never had been in the colony that balance of power which Montesquieu had shown to be the true protection against injustice. Because of its tyranny, citizens had been willing to overthrow the proprietary government in the past, and they should now be equally willing to overthrow the dominant aristocracy. It was time

¹ Post, March 14.

² "The requirement of fifty pounds for voting seems peculiar to this City alone" . . . whereas in England "burgesses were elected by every resident inhabitant who paid his scot and bore his lot. This I will affirm is the ancient free constitution which every honest man will venture his blood to restore."

"It is easy to judge whence the proposal for a more equal representation at last came. It was concluded that this manoeuvre would have a tendency to quiet the people by taking one of the most unanswerable objections to the present administration out of their mouths. You cannot, however, forget that this partial redress was a very late one and only conceded to prevent radical reformation." Packet, April 29; see also the answer to this writer in the Gazette of May 1, and his rejoinder in the issue of May 15.

³ Post, February 21.

⁴ May 15.

the plain people, whose rights had thus far been unrecognized, should assert themselves and demand that all men paying taxes should have the right of suffrage. The Post of the next day outlined the true foundation on which a new government should rest. There should be an Assembly, easily called to account by the people and never able to form distinct interests of its own. "Nothing but atheism or open immorality should exclude any man from office." In the same manner the Packet¹ declared that "in the present dissolution of the civil government in this province political power reverts to its first origin, the People; that is, to every individual inhabitant of this colony capable of managing his own affairs. . . . It is from conventions of convenient numbers of such freemen that the first delegation of civil power can be had," declared the Packet, and arrangements had already been made to set this comparatively simple machine in operation.

On May 16, "a number of persons" determined to protest against the present Assembly's doing any business until the sense of the Province was taken in the Convention to be called.² On May 18 the City Committee, at the request of these persons, agreed to call a general gathering of the inhabitants of the City and Liberties for May 20,—the day to which the Assembly had adjourned,—when the proposals for a Convention could be considered. This meeting was accordingly held in the State House yard, and was attended—according to one estimate—by seven thousand persons.³ It was significant of the spirit of the gathering that Daniel Roberdeau, one of the most radical Whigs, a defeated candidate at the recent colonial election and an officer of the Association, was selected as chairman. The meeting, after hearing with applause the

¹ May 20.

² Marshall's Diary.

³ Post, May 21.

Congressional resolutions of May 15, and in silence the instructions given by the colonial Assembly to the provincial delegates in Congress, resolved: "That the present Assembly not having been elected for the purpose of forming a new government can not proceed therein without assuming arbitrary power; That a protest be immediately entered by the people of the City and County of Philadelphia against the power of the House to carry into execution the resolve of Congress; That a Provincial Assembly elected by the people be chosen for that purpose; That the present government of the province is not competent to the exigencies of its affairs; and that the meeting will abide by these resolutions be the consequences what they may."¹

These resolutions were outspoken but the gathering went further. It announced: "As we mean not to enter into any altercation with the House we shall forbear enumerating the particular inconsistencies of its former conduct and content ourselves with declaring that as a body of men bound by oaths of allegiance to our enemy and influenced, as many of its members are, by connections with a pecuniary employment under the proprietary, we have very alarming apprehensions that a government modeled by them would be the means of subjecting us and our posterity to greater grievances than any we have hitherto experienced." It was also asserted that the Assembly was elected by men in real or supposed allegiance to the King, "to the exclusion of many worthy inhabitants whom the aforesaid resolve of Congress hath now rendered electors."

With the passage of these resolutions the crisis was reached. In a "letter to the public in all parts of the province" the *Post*² declared that the issue was union of the colonies versus the

¹ For an account of the meeting see *Gazette*, May 22; *Post*, May 21; Gordon, *Hist. of Pa.*, p. 526.

² May 21.

rule of the Assembly. "We have declared for the former and we will support it. . . . We have been open in our affairs and we protest against private machinations. Let the men come forward who are endeavoring privately to undermine the Union. We dare them to do it." The last words of this appeal referred to a reactionary protest which had been framed with the intention of offsetting the radical action of the town meeting. It was drawn up by the moderates of the city and was, in Marshall's words, "carried by numbers, two and two, into almost all parts of the town to be signed by all 'tag, long tail and body,' and also sent into the country and much promoted by the Quakers."¹ The County Committee also issued a protest, in which it urged the Assembly to stand firm in its former position.²

Thus when the Assembly, on May 22, secured a quorum, both radical and conservative petitions were presented to it.³ On the one hand "the Protest of divers of the Inhabitants of this Province in behalf of themselves and others" called for a new constitution and government, and gave notice that the City Committee would be requested to take steps towards calling a convention for this purpose. On

¹ This protest or remonstrance may be found in full in the Votes of Assembly, VI, 731, or in the Gazette of May 22. Its chief points are:

(1) Congress did not mean by its resolutions of the fifteenth to interfere in international affairs. The representatives of the people are the best judges whether or not a proper government is in existence in Pennsylvania, and experience has shown that the existing authority is beneficial to the province.

(2) The overthrow of the Charter will excite a spirit of disunion with the other Colonies, alienate many, and, as has been shown in Connecticut and Rhode Island, is unnecessary.

(3) The authority of the people vested in the Assembly can accomplish any temporary change of form which may be necessary.

(4) The only object to be sought is "an accommodation of the unhappy differences with Great Britain, an event which, though traduced and treated as rebels, we still profess earnestly to desire."

² Post, May 23.

³ Votes, VI, 726, 728, 729, 730, 731, 735.

the other, the County Committee of Philadelphia asked that no change from the existing status should be made. A petition from Cumberland County took a middle ground by requesting the withdrawal of the instructions given the Congressional delegates. The House at once¹ appointed a committee of five to consider the first protest. A majority of this committee was selected from those Assemblymen who were fresh from their constituents, but they were the conservatives chosen in Philadelphia. With them were two of the old members, one from Lancaster the other from Chester, so that no radical section of the House was represented on the Committee. To offset this a second committee was appointed on May 24,² to frame resolutions doing away with the naturalization laws and the oaths or affirmations of allegiance in the colony. No intimation was given of any intention to rescind the instructions of November or to lower the suffrage requirements.

The first named committee, on May 24, reported to the Assembly a draft for the memorial to Congress, and it was "referred to further consideration," after which no trace of it is found. Its contents may be inferred from the address which the City Committee sent to Congress as an answer "to any Remonstrance that was or is intended to be sent from the Assembly." It differed little, if at all, from the "Address of the County Committee"³ framed by the same party; which represented the Assembly as the only body legally competent to speak for the colony, and asked for such measures as would finally secure reconciliation on a constitutional basis.⁴

¹ Votes, VI, 727.

² Votes, VI, 729.

³ Post, May 21.

⁴ The Address of the City Committee—(Even. Post, May 25; Votes, VI, 730; Journals of Cong., May 25)—declared that in compliance with a meeting of a "majority" of the inhabitants of Philadelphia they had issued an appeal for a conference ("by virtue of a power given them by a Provincial Convention held in Philadelphia Jan., 1775") of the Committees of the Counties to pass upon the

Whatever might have resulted from these petitions the logic of events was displacing the Assembly from its position of control more surely than any words of protestation could do. The war had decreased the trade of the colony, and such articles of consumption as the people usually imported were rapidly becoming scarce. Even had none of the existing store been laid away for future profit, as was claimed, the shutting off of trade and the diminution in specie would have led to a scarcity of goods, a depreciation of the Continental currency and a rise in prices. With the decreased purchasing power of the people, and the scarcity and higher prices of foreign merchandise, dissatisfaction rapidly increased and the provincial government was held responsible. "Has the Assembly prevented the monopolizing of the necessities of life? . . . When I look at the men who have been foremost in this mischief I am ready to conclude that they are actuated by more than a speculative profit on the articles they have and are now engrossing. . . . They are emissaries of North, Howe and Dunmore, and I doubt not this was one among many other reasons for calling a convention."¹

question of a convention. Their reasons were that the Assembly "does not contain a full and equal representation of the provinces," "that it is composed of men who hold offices under the crown of Britain;" "that they have disputed (sic) the power which was deputed *solely* to them, to persons who had not the sanction of the voice of the people for legislative purposes; and that we have reason to believe that they have been dragged into a compliance with most of the resolutions of Congress from a fear of a Provincial Convention." The petitioners declare that the remonstrance of the Assembly is founded on one "obtained by indefatigable industry and unfair representations." They solemnly assert that "they have no design or wish to alter those parts of the charter or laws of the province which secure to every man the enjoyment of his property, liberty and the sacred rights of conscience. They wish only to see alterations made in such of them as relate to representation in the province and such as render the consent of the king and his governor necessary to give efficacy to our laws." "The situation of our province . . . requires vigor and harmony in the direction of both civil and military affairs, but these can never be obtained when a people no longer confide in their rulers." The address was signed by Thomas McKean, Chm.

¹ Post, March 7.

"Though the Committee of Inspection can not be accused of entire inattention to the public safety in the late villainous attempt made to injure us by a set of monopolists I cannot think the sore has yet been probed to the bottom."¹ "Oblige the monopolizers to sell at the prices you set and we will support you," said the tradesmen in an open letter to the City Committee and they expressed grave dissatisfaction with the course pursued by Assembly.² On the one hand the Assembly was petitioned to issue more colonial bills of credit; on the other, it was accused of not keeping prices down and in no way could all complaints be satisfied.³

Meanwhile the other colonies, acting under the advice of Congress, were rapidly moving towards that formal declaration which the Pennsylvania Assembly would not authorize. Massachusetts had set up an independent government as early as 1775, and in January, 1776, had made it "perpetual." New Hampshire, although willing to return to allegiance if her demands were satisfied, had thought better terms could be obtained by a declaration of independence, and had practically established a republican constitution in January, and in March, South Carolina had declared that "the consent of the people is the origin, and their happiness is the end of government." Maryland was conducting her affairs by a convention which was to pass on the relations between the colony

¹ Gazette, March 13.

² Post, April 4.

³ The City Committee decided that: "The several District Committees having returned their reports relating to the engrossing of Salt, Rum, Sugar, &c., it clearly appears that the scarcity of those articles is artificial and that several persons whose names are returned to this committee . . . have formed a cruel design to add to the distresses of their suffering fellow-citizens and country by collecting great quantities of and exacting exorbitant prices for the above articles." The committee then proceeded to fix a price for such articles, and declared that if anyone exceeded these it would "expose such persons, by name, to public view as sordid vultures who are preying on the vitals of their country in a time of general distress."—Post, March 7.

and Great Britain, and on May 28, the Post printed the resolutions favoring independence adopted by the Virginia Convention seventeen days before.¹

News of these changes had been expected,² and with the reports of their actual occurrence leaders of opinion began to shift their positions. Some of the moderates, of whom Joseph Reed was an example, abandoned their efforts for reconciliation and the retention of the old constitution, and sought rather to guide the new movement. On June 4 Congress dealt another blow to the Legislature of Pennsylvania by providing that certain military appointments should be made by "the Colony" instead of "by the Assembly or Convention," the form which it had heretofore used.³ The next day the Virginia resolutions were read in the Assembly, and, awakening at last to the necessities of the situation, the house, in spite of several petitions, "appointed, by a large majority," a committee to bring in new instructions to the delegates in Congress.⁴ This committee⁵ reported in favor of a change; by a vote of 31 to 12 the change was approved, and, as appears from the records for June 14, the delegates were authorized "to concur in forming such further compacts between the United Colonies, concluding such treaties with the foreign kingdoms and states, and in adopting such other measures as shall be judged necessary . . . reserving to the people of this colony the sole and

¹ "Forasmuch" as representations and petitions have thus far produced only increased tyranny, etc., "Wherefore, appealing to the *Searcher of Hearts* for the Sincerity of the former declarations expressing our desire to preserve the connexion with that nation," . . . "Resolved, That the Delegates appointed to represent this Colony in General Congress be instructed to propose to that respectable body TO DECLARE THE UNITED COLONIES FREE AND INDEPENDENT STATES at such time and in the manner as to them shall seem best."

² Post, May 11.

³ Journals, June 4.

⁴ Votes, VI, 736.

⁵ Dickinson, Morris, Reed, Clymer, Wilcocks, Pearson and Smith.

exclusive right of regulating their internal government.”¹ Meanwhile, on June 7, Lee had moved his resolution for independence in Congress, and on June 10 the Association in and around Philadelphia had voted overwhelmingly in favor of the same measure.²

The debate in Congress on Lee's resolution throws some interesting light on Pennsylvania politics at the time. If Jefferson's account may be trusted³ it would seem that the middle party in that colony had become converted to the doctrine of independence accompanied by a plan for a new government for the colonies and only awaited the excuse which a declaration from the Assembly or from a Provincial Convention would give them to announce their new policy. According to Jefferson, “Wilson, Robert R. Livingston, E. Rutledge, Dickinson and others” argued “that the people of the middle colonies were not yet ripe for bidding adieu to British connection; but that they were fast ripening, and in a short time would join the general voice of America.” Soon the Assembly or Convention would declare on the subject, but, “if a declaration should now be agreed to (by Congress), these delegates (from the Middle States) must retire and possibly their colonies might secede from the Union.” From this it is evident either that these speakers were threatening the Congress in order to defeat the proposal of Lee and Adams or that hasty Congressional action might throw the Pennsylvania Assembly into an alliance with Great Britain for putting down the new movement.⁴

¹ Votes, VI, 740.

² Evening Post, June 11.

³ Madison Papers, I, 10-12.

⁴ The charge that the Assembly and its reactionary constituents would be willing to secede from the majority in Congress was not confined to the members of the latter body. It is found in the press where the assertion was made that it was not the Charter of the Colony but their own power, which conservatives were seeking to preserve. By acting without the consent of either king or governor the

Such a secession for the purpose of retaining control of their respective colonies even at the cost of submission to England did not seem so grave a danger to the Whig delegates in Congress as may have been anticipated. The unpopularity of the Conservative Assembly in Pennsylvania was well known, and it was felt that as the middle colonies had been persuaded to follow radical leadership thus far, a like decision could be relied upon for the future. In reply to the suggestion of the conservatives the history of the Dutch Republic was cited to prove that the secession of some colonies could not be so dangerous as has been apprehended.¹ "No delegate," it was urged, "can be denied or even want a power of declaring an existing truth." In the effort to convince the doubters that nothing more was asked of them than a mere statement of fact, the arguments which Dickinson had used in his Farmer's Letters, and which John Adams had advanced at the outset of the struggle² were again presented. "As to the Parliament of England we had always been independent. Its restraints on our trade derived efficacy from our acquiescence only and not from any right it possessed of imposing them, and that so far, our connection had been federal only, and was now dissolved by the commencement of hostilities. . . . That, as to the king, we had been bound to him by allegiance, but that this bond was now dissolved by his assent to the late Act of Parliament by which he declares us out of his protection and by his levying war upon us." Turning from theoretical argument to that conception of history which Locke had made the very foundation of Ameri-

Assembly have already destroyed our Charter, said a Continental Farmer, "and now, when they have left us nothing but its ashes, a faction starts up and cries 'Our Charter, Our Charter.' Be not deceived, my dear countrymen, they mean nothing by that word but a Separation from the Congress, and, of course, submission to Great Britain."—Packet, June 3, 1776.

¹ Madison Papers, I, 15.

² Dissertation on the Canon and Feudal Law, 1765; Works, III, 462.

can politics, the case of James II. was cited. That monarch had never formally declared the English people out of his protection as King George had done; "yet his actions proved it and the Parliament declared it."¹ The existing case was no different.

This debate made it clear to the delegates from the middle colonies that their colleagues had determined upon independence; that if the colonial Assemblies would not join them trust would be placed in conventions, and that should this resource also fail they would, unaided, defend what their political judgment told them were their constitutional rights. If the Congress had broken on this question one party or the other would have undoubtedly "seceded" or deserted their fellows, but the question which group would have done so depends for its answer on the interpretation of American history before that date. But the union was not broken. So far as the action of Pennsylvania was essential to the Declaration of Independence the credit belongs to her statesmen of the middle party who were either convinced by the logic of their own arguments now repeated to them, or were influenced by their devotion to the American cause. They resisted the Whig program no longer. In the Congressional vote on Lee's resolution, taken June 8, Pennsylvania had voted five to two against independence.² On July 2, the vote was three to two in the affirmative.³

It would have been fortunate if the supporters of the conservative delegates could have accepted the Whig cause and could have supported the inevitable demands for independence as heartily as did the wisest of their leaders in Congress. Dickinson and Morris were of great service to the United

¹ Madison Papers, I, 13.

² Dickinson, Morris, Humphreys, Willing and Wilson vs. Franklin and Morton.

³ Franklin, Morton and Wilson vs. Humphreys and Willing. Dickinson and Morris absented themselves that this result might be accomplished.

Colonies, and had their former supporters taken the same attitude as did these men it might have been possible even then for Pennsylvania to have retained the influence in the confederation to which her population and wealth naturally entitled her. The Assembly, however, changed its position only under compulsion, and it is doubtful if the mass of its constituents in the eastern counties changed at all. To the last they were urging the conservatives not to yield, and as was but natural they were overwhelmed by the new and more radical convention. In consequence the state was divided in its own counsels and weak in the National Congress.

Even before the decision in Congress or the change of instructions by the Assembly, the City Committee had been preparing for a new government. It forwarded to the various county committees the resolutions adopted by the town-meeting on May 20, and invited a provincial conference to meet at Philadelphia. On June 4, the Committee requested the justices of the Court of Common Pleas and Quarter Sessions to hold no further sessions until a new government had been established.¹ In explanation of the change of heart in the Assembly, Watchman reminded "The Common People" that the Tories have always lagged one step behind the Whigs and have ever taken up one mode of resistance after the Whig has dropped it. If the Whigs go straight ahead, perhaps some of the Tories, who pretend to be so much better and richer, but whose ancestors were not known, will follow in time.² The letter which was sent through the west by the City Committee³ urged that the interests of that section would be much better cared for under the new

¹ Gordon, *Hist. of Penna.*, 529. See also the accounts of the reception accorded to the missionaries of the new cause throughout the west.—*Post*, June 4; *Gazette*, June 12.

² *Packet*, June 10. See also the arguments put in the mouths of the "Halters" in the *Post*, June 1.

³ *Post*, June 13.

government than under the old, and the response seems to have been hearty. The Whig delegates in the Assembly abandoned that body after the vote of June 8, leaving it without a quorum, and after several unsuccessful efforts to obtain a working house the old legislature adjourned until August.¹ When the Conference met on June 18 it at once assumed control of the province and the old organization never regained its former authority.

¹ Votes, VI, 743.

CHAPTER XIV.

THE NEW GOVERNMENT ASSUMES LEGAL FORM.

AUTHORITIES.

Proceedings relative to the calling of the Conventions of 1776 and 1790. Harrisburg, 1825.

Journals of the House of Representatives of the Commonwealth of Pennsylvania, 1776, Nov. 28-1781, Oct. 2, with the Proceedings of the several Committees and Conventions before and at the commencement of the American Revolution. Philadelphia, 1782. [Michael Hillegas, Editor.]

The Diary of James Allen. [Pennsylvania Mag. of Hist. & Biog. IX, 188.]

The Pennsylvania Constitution of 1776. [Poore, Charters and Constitutions.] Reed, William B. Life of Joseph Reed.

Ford, Paul Leicester. The Adoption of the Pennsylvania Constitution of 1776. [Pol. Sci. Quar. X, 426.]

Wharton, Anna H. Thomas Wharton, First Governor of Pennsylvania. [Penna. Mag. of Hist. & Biog. V, 426; VI, 91.]

The record of the first meeting of the Provincial Conference in Pennsylvania and of the formal organization of the revolutionary government is as follows: "This day a number of gentlemen met at Carpenters' Hall in Philadelphia being deputed by the committees of several of the counties of this province, to join in a Provincial Conference in consequence of a circular letter from the committee of the City and Liberties of Philadelphia inclosing the resolution of the Continental Congress of the fifteenth of May last."¹

The Conference was composed of 108 members and organized by electing Thomas McKean president. In accordance with the precedent established by the Convention, and in recognition of the claims of its western supporters, the new Assembly voted that in its deliberations the several counties and the City of Philadelphia should each have one vote. The resolutions passed by the Conference express not only

¹ Proceedings relative to the calling of the Convention, I, 35, June 18. The members are given in Proceed., I, 35-36, and in Journals I, 34-35.

the dissatisfaction with the old Provincial Assembly prevalent among certain classes of the people, but are indicative also of the sources upon which the new movement relied for support. On June 19, it was "resolved unanimously that the resolution of Congress of May 15, is fully approved by this Conference; that the present government of this province is not competent to the exigencies of our affairs;" and "that it is necessary that a Provincial Convention be called by this conference for the express purpose of forming a new government in this province on the authority of the people only."¹

Having declared in this manner the necessity of a new régime, the Conference proceeded to establish it. As there was no reason to follow the practice of the previous Assemblies in restricting political power to a few or to a particular section, the Conference reverted to early colonial precedent. It took the county for its basis of representation and the free-man for its unit of suffrage. Like the old Assembly the Conference reserved control of internal affairs to the colonial government although professing its willingness to support the general Congress in all national concerns.² On the nineteenth, a petition was received from the German militia of Philadelphia, praying that all taxable Associators should have a vote for members of the Convention and a share in the government of the state. By granting this petition the Conference saw an opportunity to secure for the new movement the support of a large element in the colony which had long desired the franchise and which had felt the injustice of being deprived of a voice in provincial affairs, and the petition received immediate attention. On the following day the Conference resolved that every Associator twenty-one years of age, who had resided one year in the colony, and had been assessed for provincial or county taxes, should have the franchise.

¹ Proceed., I, 38.

² Proceed., I, 40-47.

Having thus provided for an increase in their own party the new rulers passed other suffrage requirements which served to decrease the ranks of their opponents. No person who had been published by a Committee of Inspection or Safety as an enemy to the liberties of America was allowed to vote unless he had "been restored to the favor of his country," and persons now qualified to elect members of the Assembly must take, when required, the following oath or affirmation: "I, A—— B——, do declare that I do not hold myself bound to bear allegiance to George III, and that I will not by any means directly or indirectly oppose the establishment of a free government in this province by the Convention now to be chosen, nor the measures adopted by the Congress against the tyranny attempted to be established in these colonies by the court of Great Britain."¹

In addition to taking this oath each person wishing to be eligible to membership in the Convention must also agree to "steadily and firmly at all times promote the most effectual means, according to the best of his skill and knowledge, to oppose the tyrannical proceedings of king and parliament, and to establish and support a government in this province on the authority of the people alone." He must declare his belief in the doctrine of the Trinity and in the divine inspiration of the Scriptures, and his will to "oppose any measure that shall or may in the least interfere with or obstruct the religious principles or practices of any of the good people of this province."² These declarations in favor of national independence and local equality completed the political platform upon which the Conference appealed to the people of Pennsylvania. Having summoned a Convention to meet on the fifteenth of the following month the Conference, on June 25, finally adjourned.¹

¹ Proceed., I, 38-39.

² Proceed., I, 39.

In judging the work and position of this Conference the premises adopted are of prime importance. In its relations to the old order it can be regarded only as a revolutionary body, but if the Continental Congress was the beginning of a new national government, and if the Convention and Committee system of the state be recognized as a reorganization of the community, then the Conference followed in logical sequence. As the old Assembly granted the suffrage only to those who would support its authority, so the new agent of government exercised a like discretion. The committees throughout the state had been the real authorities in their several communities for some time. They had derived their power from the people and handed it on to the Conference. The foundation of the new régime was the popular will and the Conference occupied

¹The Conference issued the following address to the people of the colony regarding to the Convention. It was framed by Rush, McKean, Hill and J. B. Smith: "Friends and Countrymen.—In obedience to the power we derived from you we have fixed upon a mode of electing a convention to form a government for the province of Pennsylvania under the authority of the people. Divine Providence is about to grant you a favor which few people have ever enjoyed before, the privilege of choosing deputies to form a government under which you are to live. . . . It becomes you, therefore, to choose such persons only, to act for you in the ensuing convention, as are distinguished for wisdom, integrity and a firm attachment to the liberties of this province as well as to the liberties of the united colonies in general. In order that your deputies may know your sentiments as fully as possible upon the subject of government, we beg that you would convey to them your wishes and opinions upon that head immediately after their election. . . . We beg that you would endeavor to remove the prejudices of the weak and ignorant respecting the proposed change in our government, and assure them that it is absolutely necessary to secure property, liberty and the sacred rights of conscience to every individual in the province."—[Proceed., I, 41.] The Conference provided that the inspectors of election who were to officiate at the polls should be chosen on July 6. According to Marshall the leaders of the Conference desired that the men chosen to the Convention should be "of great learning, knowledge of our history, of law and of mathematics and a perfect acquaintance with the laws, manners, trade, constitution and politics of all nations, men of independent fortunes, steady in their integrity, zeal and uprightness to the determination and result of Congress in their opposition to the tyranny of Great Britain."

the same position in the state that the Congress held in the nation.

In so far as its relations to the English state were concerned the Conference was little if any more illegal than the old Assembly. While the colonial legislature yet maintained the form of allegiance, it had been guilty of treason by supporting troops engaged in offensive war against the king, and had been declared out of the royal protection. Under such circumstances as these the question at once arises, into whose hands did the legal sovereignty of Pennsylvania fall? All parties had violated the professed constitution of the state and legal authority reverted to the king. By the constitutional theory accepted in America the compact between king and colony had been dissolved and the people, as in 1682, were free to frame a new government. A fraction of the old legislature was sitting in the Assembly chamber. It stood for the principle of state sovereignty and had an undoubted right to carry on the government as long as it could obtain the consent of the people. On the other hand the new power professed to obtain its reason for existence from the resolution of Congress upheld by the will of the community. It therefore stood on the foundation of a popular acquiescence in a new national sovereignty. It was for the people of Pennsylvania to choose between the two authorities and the body obtaining their favor thereby became the legal sovereign of the state. The local revolution had been accomplished when the Committee organization assumed control of the state.

Many of the people of the state realized that the basis of government had changed and urged the old Assembly to accommodate itself to the new conditions. This was the view taken by the Cumberland County petition of May 28.¹ "The arbitrary and unconstitutional claim of the British Parliament to bind, by its acts, the British colonies in all cases

¹ Votes, VI, 730.

whatsoever, and the cruel exertions of the British Administration to carry, by force, that claim into execution, drove America into the present unhappy, but on her part, just and necessary war. To obtain the re-establishment of their rights and to be restored to the Freedom and Prosperity, which until lately, they enjoyed, were the declared ends of the colonists; of these ends we ardently wish to see the full accomplishment. But this cannot take place without the concurrence of those who discover in Parliament no inclination to depart from the destructive system which they have so pertinaciously pursued. Necessity therefore directs the contemplation of the public to these objects.

"If those who rule in Britain will not permit the colonists to be free and happy, in connexion with that kingdom, it becomes their duty to secure and promote their freedom and happiness, in the best manner they can, without that connexion.

"The prosecution of the war may require some measures to be adopted, which beside the purposes more immediately intended to be produced by them, may have a tendency to weaken or dissolve the connexion before mentioned. To avoid the terrible consequences of Anarchy, to prevent the best men falling sacrifices to the factious and interested views of the worst, it will soon become, if it has not already become necessary to advise and to form such establishments as will be sufficient to protect the virtuous and restrain the vicious members of society; these establishments may be construed to lead to a separation from Great Britain. The foregoing considerations induce us to petition this honorable house, that the last instructions which it gave to the delegates of this province in Congress wherein they are enjoined not to consent to any step which may cause or lead to a separation from Great Britain may be withdrawn."

In this petition was outlined a policy which would have continued the old government in the colony and which, if

honestly followed in May, would have done much to have restored the Assembly to its former position. On the day succeeding its presentation¹ the Assembly, as has been noted, had been presented with a petition from "the Inhabitants of the City and County of Philadelphia," which was intended to offset the radical measures proposed by the town meeting of the previous week. The conservative signers of these petitions recognized that something must be done by the Assembly if it was to retain its power, and they recommended to the Legislature the example of South Carolina.²

The example offered was a moderate one, but the Assembly, seemingly bent on its own destruction, would profit by nothing. In the southern colony it was recognized that for the time being certainly, the authority of the king was gone. A new constitution was therefore framed in accordance with the advice of the Continental Congress, which should be the regulating force in the colony "until an accommodation of the unhappy differences between Great Britain and America." The preamble declared the American grievances and the body of the document replaced royal with colonial officials, thus forming a framework of government which, in the language of the Cumberland petitioners, prevented anarchy, and which might have satisfied temporarily those persons who believed an accommodation with Great Britain on the terms mentioned to be an impossibility.³ If nothing else had been accomplished, such action as this on the part of the Assembly would have furnished a rallying point around which all moderates could have gathered.

The reactionary policy pursued by the old legislature had a directly opposite result. It refused to recognize the change of sentiment which undoubtedly had occurred throughout the

¹ May 29.

² Votes, VI, 731.

³ See Ramsey, *History of South Carolina*, I, 83-92.

province ; it refused to allow the delegates in Congress to exercise their own discretion on the question of independence ; it took no steps to strengthen the position of the reactionary element, and finally it refused to accept the advice of those advocates of moderation within the state who saw that the world was moving. As a result of this inactivity, men like Wilson and Morris who had influence with the Whigs were left with no policy to propose as an alternative to a convention and the radicals had an easy victory. Not until the fourteenth of June did the Assembly take any action on the petitions which have been mentioned and by that time the current had set too strongly toward the new government to be checked.

The suffrage qualifications prescribed by the Conference have been criticised on the ground that they prevented the whole people of Pennsylvania from passing judgment on the constitution placed before them, but it is difficult to see what other course could have been followed. The recommendation of the National Congress was the only legal justification of the new movement and it would have been highly inconsistent to have given votes to men who refused to recognize the authority of that body. Within the colony popular sovereignty was the basis of the new constitution, but a large section of the people openly declared that they would not consider themselves bound by the result of the ballot if it went against them. Is it to be wondered that the supporters of the new government regarded their opponents with suspicion ?

The members of the Convention were chosen on July 8, and the party of reaction had little share in their selection. As Marshall said, the Convention was elected "very quietly." On the fifteenth the new body organized under the presidency of Benjamin Franklin, and immediately took charge of colonial affairs. In the Whig manifesto it had been asserted that "as

the Assembly hath broken up and deserted its trust the inhabitants have no other body than the Conference to look to for the maintenance of order."¹ Before adjourning, the Conference had unanimously "recommended to the Convention to choose and appoint delegates to represent this province in the Congress of the United Colonies ; and to select a Council of Safety which should exercise the whole of the executive powers of government so far as relates to the military defence and safety of the province."² Acting upon this grant of power the Convention at once took charge of military affairs, disarmed the non-associators, enacted laws regulating the currency and the prices of commodities, took measures to uphold the liberty of the press, appointed committees to frame ordinances regarding offences against the state, selected a Council of Safety for executive action and chose a new delegation to represent the colony in the Continental Congress. Like the conventions in other states its measures were energetic on the side of independence even at the cost of the fullest degree of personal liberty.

Affairs, in truth, had reached such a stage in Pennsylvania that vigorous measures were necessary. If the restrictions which the Conference had placed upon the exercise of the right of suffrage and the more equitable apportionment of members of the legislature had given the radicals a majority in the Convention, these measures had neither reconciled the reactionaries throughout the colony nor given the newly-elected body the confidence of the whole community. With the successes of the British army around New York the hopes of the Tory party began to rise, and at the same time the demand for reinforcements issued by Congress served to draw away the men upon whom the Whigs depended for the maintenance of their power. Fearing that in the absence of

¹ Gazette, May 26.

² Proceed., I, 41.

so many Associators an election would mean a defeat the radical delegates, according to Allen,¹ delayed the formation of a constitution—the work for which they had been elected—until they should be more confident of carrying the first elections under it, and meanwhile kept control of the state in their own hands.²

If this was the intention of the Convention, the rapid march of events soon caused its members to change their minds. The growth of conservative ideas convinced them that unless they completed their work at once a counter revolution might prevent their doing it at all. Within the colony obedience was being refused to the commands of the Convention, Continental money was refused at its par value, and merchants frequently refused to sell goods rather than to accept it on any terms. Rioting took place, and in August there was much talk of recalling the old Assembly. Although this movement was unsuccessful, the reactionary agitation served to frighten the

¹ Pa. Mag. of Hist., IX, 188.

² Among other examples of the exercise of legislative powers by the Convention the following may be cited :

On July 20, it elected new delegates to the Continental Congress.

On July 23, it chose a Council of Safety for the state and prescribed the oath which members of that Council should take.

On August 9, it voted to postpone the election of new committees of inspection throughout the east lest the votes should show a change of sentiment. Elections were authorized in the western counties, but the absence of so many Associators was held to prevent a fair expression of sentiment in and around Philadelphia.

On August 26, it borrowed \$100,000 from Congress.

On September 3, it passed an ordinance regulating the appointment of justices of the peace in the colony ; and nine days later, it prescribed the punishment of persons guilty of offences against the United States, and empowered the justices to imprison such persons. [See Journals of the Convention, I, 55-79.]

The attitude of the loyalist party in Pennsylvania may be seen by an examination of their testimony before the British Loyalist Commission after the war was ended. The statements of Joseph Galloway are given in Wilmot, II, 22, and following. [Proceedings of the Loyalist Commissioners, in the Library of Congress.]

radicals. In September, the former legislature again came together, and although without a quorum it showed the inclination of the reactionary element in the colony by voting a salary of a thousand pounds to Governor Penn and by disputing the right of the Convention to exercise any power in the state. Communication was also maintained with the British authorities, and a counter revolution seemed imminent.

Thus threatened, the Convention hastened to conclude its true work. The debates and the conclusions finally reached again emphasized the unfortunate nature of the situation. Despite the manner of their election there were many moderate men among the leaders of the new movement, and had the great middle party, headed by Dickinson, Morris, Willing and their fellows, accepted independence when it was declared by Congress and aided in the establishment of a new state government, they would now have been able, in union with McKean and his friends, to have controlled the Convention and to have secured a constitution which would have conciliated rather than alienated the people. In this manner Pennsylvania would have obtained stable government and would have been spared the disgrace of the following years. Evidence is not lacking that a large fraction of the people who had heretofore discountenanced the new régime were now willing to accept it and to follow moderate leaders in upholding any constitution which guaranteed order in place of anarchy. Dickinson himself gave advice regarding the document which the Convention was framing, but the majority of the moderate party held aloof. Their conversion came too late to save the state from a period of anarchy.

An examination of Pennsylvania history during the later years of the revolution only increases the regret with which the action of the moderates at this time must be regarded. Excluding from consideration the reactionary loyalists who were hoping that the king would again receive his own, the

majority of the persons who in 1777-78 were advocating the American cause did not belong to the radical party within the state. They were, in great part, men who, three years earlier, had been advocates of reconciliation with Great Britain, but their failure to take a stand for popular liberty at home had undermined their influence in the opening days of the struggle, and their refusal to accept the inevitable in 1776 assured the control of the state to the advocates of unrestricted democracy. As the Provincial Assembly could not persuade itself to take any definite course in harmony with the growth of public sentiment until it was too late to prevent the state revolution, so the moderates who, within the Convention, might have prevented the division among the Whigs, only succeeded in accentuating that division.

The criticism offered by moderate statesmen and their antagonism to the plans for a new constitution made the radical leaders, like Cannon and Bryan, Matlack and Paine, the more determined to force their theories upon the people and votes could not be rallied within the Convention in sufficient numbers to overthrow these men, supported as they were by solid delegations from the western counties.¹ The National Congress could have supported Morris and Dickinson, Wilson and Willing within the Convention, but it could not support them in their opposition so long as it was directed against the only state government upon which the American leaders could rely. The result was the most democratic constitution yet seen in America, a constitution whose democ-

¹ There were ninety-six members of the Convention, of whom ninety-five appear to have been present at the signing of the Constitution. Twenty-three did not sign, and of these only five were from the western counties. It will thus be seen that these counties were repaying with a vengeance the neglect to which they had been subject earlier in the history of the colony. The heaviest vote against the Constitution came from the counties of York, Lancaster and Philadelphia. Had moderate members been present as representatives of Chester and Bucks their influence might have been very effective.

racy can be realized only by comparison with other state papers of the period.

As was natural the theory on which resistance to England was justified occupied a prominent place in the new frame of government and it was claimed that America had never been subject to Great Britain. The true object of all government, said the preamble to this constitution, was to protect the community and to enable the individuals composing it to enjoy their natural rights. Whenever any system of government did not secure these ends the people by common consent had the right to take such measures to remedy the evil as seemed best. Allegiance to the king had been the price paid by the colony for the protection which the royal authority afforded, and when that protection was withdrawn the duty of allegiance ended. The old government of the state lapsed with the failure of the king to maintain his share of the compact and the people therefore were perfectly justified in framing a new agreement among themselves. Only in this way could anarchy be prevented, for the original compact had been dissolved and man was again in a state of nature. This was the reason given for discarding the old government.

The Declaration of Right was the foundation of the new system. Since all political power was originally vested in the whole people the governmental machinery must be directed towards the protection and benefit of the community "and not for the emolument or advantage of any single man, family or sett of men who are a part only of that community."¹ No plainer demonstration could be given of the feeling which existed in the colony than this affirmation. In the opinion of the Convention the only qualifications for an active participation in the affairs of government were a "common interest with and attachment to the community." Lest it might be urged that the inhabitants of the colony were a part of the British

¹ Constitution of 1776, Declaration of Right, Section 5.

people and that the general will could be determined only by a joint assemblage of the two continents, the Convention declared¹ "that all men have a natural inherent right to emigrate from one state to another that will receive them, to form a new state in vacant countries, or in such countries as they can purchase, whenever they think that thereby they can promote their own happiness." This article practically asserted that the Friends had founded a new state on their immigration into America and that the more recent emigrants from Europe had become constituent parts of that state upon their arrival in the Quaker community. It thus appealed to all parties within the colony.

The innovations introduced by the Constitution of 1776 all tended toward democracy and equality of privilege. Such portions of the old frame of government as did not interfere with the conceptions outlined in the Declaration of Right were retained under the new régime. The single legislative chamber which had proved successful in the past was kept by the Convention, but the unjust system of representation was thoroughly changed. Members were allotted to the various counties and to the city of Philadelphia in proportion to the number of taxables resident therein, and each county was allowed to select its members by districts or by general ticket as it considered wiser. One year's residence entitled all tax-paying freemen, twenty-one years of age, to the suffrage, no religious test or qualification being required. Members of the Assembly must have resided at least two years in the city or county from which they were chosen, must declare a belief in one God and in the inspiration of the Scriptures, and swear (or affirm) that they would support the Constitution of Pennsylvania.

The reliance which the new movement had placed upon the committee system is seen by an examination of the provisions

¹ Sec. 6.

for an executive under the new constitution. This department of the government was entrusted to an Executive Council composed of one member from each county and one from the city of Philadelphia. There was indeed a provision for a governor of the state, but he was elected from the members of the Council, and was in reality little more than the presiding officer of an executive committee. Such influence as was exercised by this officer was due to his personality and not to his position.

The great power in the state was the Assembly. Either alone or in union with the governor of its choice this body not only controlled all state appointments but had authority over the judiciary itself,¹ and such powers as were given to the Council only emphasized the importance of the radical sections of the state. The Assembly was subject to the oversight of the people in two ways: Legislative proceedings must be made public and once in seven years the community had the power to inquire into the whole conduct of the government. "Except when the welfare of the state may require" the doors of the house in which the Assembly sat were to be open to the public, and the votes and proceedings of the legislature were to be printed weekly for the perusal of its constituents. At the request of two members the yeas and nays on any question were to be recorded, and any member could declare the reasons for his vote. "Except on occasions of sudden necessity" no measure "of a public nature" could be enacted into law during the session in which it was proposed, and in all cases laws must be printed for the con-

¹ The fact that the Council had a share in the election of the governor can hardly be regarded as a serious limitation on the choice of the Assembly when it is remembered that the latter body was six times as large as the former and that this disproportion constantly tended to increase.

There was one provision of the new constitution which is especially interesting in the light of the controversy over fishery rights to which reference has been made. It declares that "the inhabitants of this state shall have liberty . . . to fish in all boatable waters and others not in private property." Thus an old cause of complaint was removed.

sideration of the people before they passed to the debate upon their last reading.

The second check upon the Assembly was the provision for Censors. Once in seven years the people were required to elect two persons from each city and county whose duty it was to ascertain whether or not the constitution "had been preserved inviolate in every part;" and to see that the legislative and executive branches of government had "performed their duty as guardians of the people." They were to inquire also whether or not the public taxes had been "justly laid and collected, . . . in what manner the public monies had been disposed of, and whether the laws had been duly executed." If defects were found, impeachment could be ordered, appropriate legislation recommended, or, by a vote of two-thirds, a new convention could be summoned. In this last case, however, all proposed changes in the constitution must be submitted to the people at least six months before the meeting of the Convention in order that the community might instruct its delegates what action to take on the changes proposed. One article in the Declaration of Right announced explicitly¹ "that the people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances by address, petition or remonstrance." Few constitutions enacted since 1776 have contained more radical clauses than these.²

After providing that the constitution which it had framed should become the law of the colony without a formal ratification by the people, the Convention adjourned on September 28 amid great excitement. Its last action had seemed to violate, in an outrageous manner, the very principles of popular sovereignty which the new constitution professed to honor,

¹ Sec. 16.

² See Paul Leicester Ford, in the *Pol. Science Quar.*, Vol. X, p. 457.

and bitter attacks upon its work were immediately made. How much of the opposition throughout the state was caused by the constitution itself, and how much by the manner in which it had been framed is difficult to ascertain. Thomas Wharton, Jr., was friendly to the new movement, yet he wrote to Arthur St. Clair: "True it is, there are many faults which I hope one day to see removed; but it is true that if the government should be at this time overset, it would be attended with the worst consequences, not only to this state but to the whole continent in the opposition we are making to Great Britain."¹ Gordon, who was an eye-witness of the scenes in Philadelphia, gave his opinion in these words: "Great numbers in Pennsylvania are not satisfied with their constitution apprehending that it possesses too great a proportion of democracy, and that the State is not sufficiently guarded against the evils which may result from the prevalence of a democratic party, or the dangerous influence of demagogues. Mr. Sam'l Adams has been thought or known to have concerned himself so unduly in the business as to have provoked some to drop distant hints of an assassination."²

Even before the adjournment of the Convention "K.," in the Packet of September 24, had expressed his dissatisfaction with the work of the radical leaders. "In the constitution I see no kind of power delegated to the executive yet many barriers against it, but in the Assembly I find the most unbounded liberty and yet no barriers. . . . If men were wise and virtuous as angels a single legislative assembly would be the best form of government that could be contrived for them except a despotic one, which being more simple

¹ Penna. Mag. of Hist., V, 436.

² Amer. Rev., II, 369.

Wells, in his *Life of Adams*, agrees with this opinion. He believes that much of the democratic sentiment of the Pennsylvania Constitution came from Adams, and adds that designs were probably had against his life. [*Life and Public Services of Samuel Adams*, II, 438.]

would be nearer perfection." As men were not angels, he concluded that much more restraint than that provided by the constitution was necessary. Another writer, in the *Packet* of October 22, declared that, like Cromwell, the Convention defended its own work with armed men, allowing no opportunity for the people to pass free judgment upon it.¹ The Philosophical Society declared that the new framework of government was in harmony neither with the sentiments of the Continental Congress nor with the opinions of "those most distinguished authors who have deliberately considered the subject,"² upon which the *Post* remarked that the Society was but "a junto of grandees and their lickspittle echoes."

The opposition did not confine itself to general criticism. Protests against particular features of the Constitution were numerous.³ One of the most acute of the general criticisms was that of "Christopher Scotus" in the *Packet* of October 29. "Our new frame of government would do very well to feed a fanciful imagination as a mere chimera, but is such as never did and never can subsist in our world while human nature is so weak and depraved as at present." Probably

¹ This action, as do so many others, shows a remarkable similarity in thought between Pennsylvania and Maryland. In the latter state a convention had been summoned on July 3. A body elected by direction of the various county committees had apportioned the members of this new convention, had determined the suffrage qualifications in city and country, and had itself controlled the legislative, executive and judicial power of the state until the convention met. This body in turn not only framed a constitution, placed it in operation without awaiting popular action, but meanwhile carried on the government. Indeed, there was no essential difference in the revolutionary program in the two states. A wise colonial policy, however, had given the southern community a unity to which her northern neighbor was for a long time a stranger. Regarding the protection by the military, Ettwein, in his narrative of events, declares that two regiments of New Englanders were to come to Philadelphia to protect the convention in case of need, but arrangements were made which rendered such precautions unnecessary.

² *Packet*, October 22.

³ See the *Gazette* and *Post* of October 23 and 24.

the real cause of the opposition among the moderate classes was not the constitution as a frame of government so much as the efforts of the Convention to force its will upon the community, and a fear of the men who were trying to rule the state. Some evidences of this overbearing disposition found their way into the constitution, as in the provisions regulating the first elections on November 5, but the ordinances are tainted more deeply with this spirit. Especial objection was made to the ordinance imposing a tax of twenty shillings a month upon non-Associators in addition to the annual levy of twenty per centum upon their property.

On October 21, a mass meeting was held at which "Cannon, Matlack, Young and Col. Smith of York County spoke for the Convention, Col. McKean and Dickinson against it." This meeting was attended by fifteen hundred people and the sentiment seems to have been against the Convention.¹ The intention of the meeting was to persuade the voters of the state to refuse to take the oaths required of electors, and to cast no ballots for members of the Executive Council. If possible, the opposition aimed to elect a sufficiently large fraction of the Assembly to force a compromise upon the radical party and to secure modifications in the constitution. The first part of this plan easily succeeded. At the elections on November 5, the City and County of Philadelphia voted against the radical nominees and disapproved the constitution, so far as was possible, by declining to elect Councilors.² The western counties, however, gave a decided radical majority. After the election a second public meeting was held in Philadelphia to instruct the eastern Assemblymen to secure, if possible, certain alterations in the frame of government. Among the changes desired were the adoption of a bicameral

¹ Gazette and Packet, October 22 and 23; Marshal's Diary.

² See Marshall's Diary for November 5 and 6, and Dickinson's Vindication in Stillé, p. 375.

legislature, the abolition of the censors, the suppression of the obnoxious oaths, life tenure for the judiciary and, if it could be accomplished, the calling of a new constitutional convention.¹

The new Assembly refused all such proposals as these even when accompanied by an acceptance of its temporary authority. The result was stagnation and anarchy in the conduct of state business, and not until Congress threatened to take the Pennsylvania government under its own control was anything like an orderly administration restored. For this paralysis of government the members of Congress, and more particularly the New England and Virginia delegations, have been severely blamed, but this censure is not justified by the facts. The party in the national body which had favored American independence wished to see the State of Pennsylvania supporting that position, but they had no other interest in state politics, and it is doubtful if the national body would have opposed any state government which was willing to accept independence as a fact. The initiative for whatever alliance existed between the radicals throughout the state and the democrats in the Congress came from the colonial side, although there were doubtless cases in which the democratic arguments of Congressional delegates had turned individuals against the old Assembly.

Congressional interference was not the disturbing factor in Pennsylvania politics. If, indeed, the Assembly had

¹ See the Diary of James Allen in *Penna. Mag. of Hist. and Biog.*, IX, 188; Dickinson's *Vindication* in *Stillé*, p. 375; and Paul Leicester Ford in *Pol. Science Quar.*, X, 457. The best description of the intense excitement of the time is given in the article by Mr. Ford, but an examination of the contemporary writings in press and pamphlet form is as helpful for this period as for the earlier ones. The so-called ironclad oath required at elections compelled the voter to swear (or affirm) that he would "be faithful and true to the commonwealth" and would not "directly or indirectly do any act or thing prejudicial or injurious to the Constitution or government thereof as established by the Convention." Some radical writers declared this oath to be "the most moderate yet established in any of the United States."

supported the progressive national movement the colonial crisis might have been postponed, but sooner or later a change in internal policy would have been forced upon the conservatives. Whether or not that change would have been forced upon the colony by violence is an open question, but it must have come. On national issues the moderate men in the Assembly were guided by as pure patriotism as were any of their radical opponents, but for twenty years the reactionary forces had been alienating different sections of the colony and in their hour of triumph the democrats were suspicious of every one who did not heartily agree with their radical program. It is this fact, rather than any Congressional interference, which accounts for Pennsylvania's loss of some of her ablest leaders at the time when they were most needed. During the early portion of 1776 this loss was not so marked, for Franklin and McKean were inferior to none of the earlier leaders of the colony, but with the era of the Convention and the entrance of Franklin into national diplomacy there was a noticeable deterioration in the character of the state legislators.

This deterioration might have been prevented had Dickinson, and Morris, Wilson and Reed been induced to support the new movement at an earlier time. So far as their hesitancy was due to the failure of Congress to provide a suitable national government that body may be blamed, but here, as in their own case, it was a question of judgment and not of patriotism or honesty of purpose. The defection of the conservative and moderate leaders, or more exactly their failure to keep pace with the advance in revolutionary sentiment, necessarily threw the leadership of the colony into the hands of theorists like Cannon or demagogues like Paine. Previous association had inclined the West to follow these men and as the conservatives opposed the national as well as the local ambition of the West even as late as September, 1776, it was only natural that the delegates from that section should con-

tinue to follow radical leadership. "Letters were sent from Philadelphia into the country saying that there was no need to choose learned or especially intelligent people at the elections but only those heartily devoted to the common cause; which recommendation was faithfully observed," said Ettwein, and as a consequence a compact party was formed with which it was useless to argue. This party disliked the East. The foundation of its resentment was not the policy of the Assembly after 1770, but the earlier rivalries between the two sections of the colony. Unable to move the eastern oligarchy by persuasion or by the justice of their cause, force was their only alternative and the troubles with England gave an opportunity for its effective exercise.

It was under such circumstances that Pennsylvania made her entrance into the national union. The history of her political life under the democratic constitution of 1776 is but a continuation of the previous discontent except that the former opposition now ruled the state. Not until the adoption of a compromise frame of government in 1789 was harmony restored. Meanwhile the state paid the penalty for the early injustice of the conservative east and the later tyranny of the radical west by a decade of personal and party struggles hardly equaled for intensity and bitterness in any period of our national or local history. The effects of this bitterness have not been outgrown to this day.

APPENDIX.

AUTHORITIES.

There is no more important source of information concerning Pennsylvania history than the colonial press and upon the evidence given in its columns the author has relied more than upon any other source.

The following is a list of the more important publications : The Pennsylvania Gazette, established 1728 ; published by Franklin & Meredith, 1729 ; by Franklin alone 1732 ; by Franklin & Hall, 1747-48 ; by David Hall, February 1766, and by Hall & Sellers after May, 1766.

The Pennsylvania Journal, established by William Bradford in 1742, and published by William & Thomas Bradford from 1766 until 1791 except during the period of the British occupancy of Philadelphia from September, 1777, until July, 1778.

The Pennsylvania Chronicle, established January 6, 1767, by William Goddard and conducted by him until 1773. During the first three years of this period Joseph Galloway and Thomas Wharton were Goddard's silent partners and the Chronicle was conservative in tone, but upon their retirement in 1770, Goddard came more nearly in touch with the radical element among the people.

The Pennsylvania Packet, established in November, 1771, by John Dunlap, and printed by him at Philadelphia until 1777, and then at Lancaster. The Packet and Gazette are, on the whole, the best representatives of the moderate sentiment throughout the colony.

The Pennsylvania Ledger, established in January, 1775, as a Tory paper and conducted on decidedly conservative lines until November, 1776, when it was forced to suspend. It

came to life again during the British occupancy of the city, but never survived their flight.

The Pennsylvania Evening Post, established in January, 1775, by Benjamin Towne and published by him at Philadelphia until 1782. As late as 1777 the Post was an extremely radical sheet advocating national independence and a new state government. When the British captured Philadelphia, Towne changed sides and was proscribed by the state government. He was permitted to continue his paper in 1778 only by publicly recanting his British sympathies. The influence of the Post, however, was never again so great as in the first two years of its publication.

Of importance in a consideration of the German influence throughout the state is Christopher Sauer's *Der Pennsylvanische Berichte*. This sheet was published at Germantown, and although not the only German newspaper in Pennsylvania during the Colonial period, it was probably the most influential. Its tone was on the whole conservative.

Next in importance to the Colonial newspapers as indicating the trend of political thought must be placed the pamphlet literature. This method of influencing public opinion came into prominence during the proprietary-crown struggle, and a short list of the more important pamphlets issued at that time has been given.¹ With the advance of the revolutionary movement, Pennsylvania was flooded with pamphlets expressing all shades of opinion. The titles of most of these pamphlets are given in Hildeburn, "*Issues of the Philadelphia Press*," and nothing less than a careful examination of these papers will insure an understanding of the popular feeling during these years. Some tracts not published in Philadelphia had an extensive circulation in that city, and these, of course, are not given in Hildeburn. Excellent files of the provincial press and extensive collections of the Colonial and revolutionary

¹ Ante, p 97.

pamphlets are in the libraries of the Historical Society of Pennsylvania, and of the American Philosophical Society at Philadelphia.

Much information has been obtained also from the collections of laws and early manuscripts in Philadelphia and Washington as well as from other works of a more distinctly secondary character. A list of the more prominent and helpful authorities among these latter divisions is appended:

Votes and Proceedings of the House of Representatives of the Province of Pennsylvania, 1682-1776. 6 Vols. Phila., 1752-76.

Journals of the House of Representatives of the Commonwealth of Pennsylvania, 1776-81, with the Proceedings of the several Committees and Conventions before and at the Commencement of the American Revolution. [Michael Hillegas, Editor.] Phila., 1782.

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The Pennsylvania Papers.

The Peter Force Papers, including the printed Archives. [These four groups of papers are in the Library of Congress at Washington.]

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